

THE CALCUTTA JOURNAL.

OF
CALCUTTA.

Politics and General Literature.

VOL. I.]

THURSDAY, JANUARY 23, 1823.

[No 20.]

SUMMARY OF NEWS.

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Politics of Europe.

We have received some French Papers by the Duc de Bordeaux, but as they extend only to the 15th of August, we learn nothing new from them respecting English Politics. We do not hear of any later accounts than those from London by the *Ann* and *Amelia*, we therefore continue to draw from the Papers brought us by that occasion.

Edinburgh, August 10.—Nothing can exceed the bustle which pervades the good people of Edinburgh and Leith, in anticipation of his Majesty's arrival. Sir William Curtis arrived yesterday, and being, in his summer excursions, the *avant courier* of joyful festivity, the expectations of the inhabitants were universally excited, and there was for several hours a prevailing opinion that his Majesty would make his public entry on Monday; these hopes were, however, frustrated by the arrival of the *Toucan* steam-packet this morning with some of his Majesty's suite, and a few of the London Police, and the news that the King would not leave London before Saturday. The preparations for his Majesty's reception are generally on the same scale as those for a similar purpose last year in Dublin—there is however, less noise in carrying on the arrangements, and infinitely less imagination in describing them. The people of Scotland are doing the work in their own way—prudently and systematically; and a little of the national spirit of economy is observable in its progress. The preparations in Holyrood-house are not so gorgeous as those in the state apartments of Dublin Castle last year. Scarlet cloth and gold fringe and mouldings have been fitted up in the ancient and spacious apartments of this neglected building; but there is nothing of magnificence in the style of the ornaments or character of the arrangements, and a proper attention to economy appears to predominate in the work, under the superintendence of Mr. Maish, of the Lord Chamberlain's department, and Colonel Stevenson, of the Board of Works. The festive preparations of the Lord Provost and Corporation are of a corresponding character; they are certainly well adapted for the comfort and convenience of a limited number, but not for the accommodation and gratification of such an assemblage as were permitted to attend the civic dinner in Dublin. The determination not to erect a gallery in the hall intended to be used as the place for the Corporation entertainment to the King, will not only limit the number of the guests, but prevent the attendance of that assemblage of ladies whose presence would have graced the scene. The arrangements at Dalkeith house are very elegant, and the apartments for his Majesty's reception are fitted up with great taste. Leith walk, and the principal streets through which his Majesty will pass, present the same appearance as Palace-yard did at the time of the Coronation. The fronts of the houses are hid with scaffolding and platforms of seats for the accommodation of spectators, and the prices, from five shillings to a guinea, mark at once the value of the particular spot, and the rank of the purchaser. There are several "triumphal arches," as they are called, already erected on spots which will be particularly marked in the royal route—at Leith, where the King will land; in two places before he will reach Edinburgh; and finally, at the entrance to Dalkeith house. The arch where the Corporation will receive his Majesty at the boundary of Edinburgh is not yet particularly fixed; three places on Leith walk have been already

mentioned, and some difference of opinion prevails in the absence of more weighty points of contention, upon the shape of the structure. Sir Walter Scott, who takes a very active part in the arrangements, urges the propriety of a rustic arch, while others are for one of more grand dimensions. One who merely reads the account of these "triumphal arches," would imagine some structure resembling those of Trajan and Antoninus, the noble memorials which still preserve the renown of ancient virtue and art; but the "triumphal arches" of the present day will never remain to record either—they are not of brick, like those of Romulus; nor of stone, like those of Camillus; nor of marble like those of Cæsar and Titus; but of good plain timber, erected in one day by a few carpenters, and taken down the next by the same artists. The local objects which surround Edinburgh, and beautiful scenery of the Frith of the Forth, are well adapted to give grandeur of effect to his Majesty's landing. The rugged summit of Arthur's Seat will blaze with a bonfire, for which the inhabitants are already invited to send fuel; Salisbury Craigs are covered with tents, and should the day prove fine, the coup d'œil of Edinburgh must be uncommonly grand from the bay, and the latter a magnificent prospect from the shore, covered, as it is destined to be, by the gorgeous flotilla of the royal squadron, and the gay assemblage of small craft of every denomination preparing to sail into the bay with his Majesty. The roar of artillery from the shore will heighten the grandeur of the spectacle, and convey to distant quarters the tidings of the arrival of a British Monarch to the shores of Scotland. James the First revisited Scotland after he sat on the throne of England, and was presented on his arrival with 10,000 Scottish marks in a silver basin, "to render propitious (as the historian says) the heart of the King." Charles I. next visited his Scottish dominions, and was led in his better days in great pomp through streets hung with carpets and tapestry, and entertained at an expense of 41,480*l.* Scots. His son, the second Charles, was the last British Monarch who came here, and he arrived from the Hague, not to enter in triumph, but to be embroiled with the clergy about the Covenant, while Cromwell was preparing the last blow against Scotland. His present Majesty is, therefore, the first Sovereign of England who has visited Scotland for nearly a century and a half, and who arrives in a time of peace, amid the warm congratulations of all ranks; and it is to be hoped, with the suspension of those political animosities which have been so acrimoniously and fatally conducted of late in this part of the empire.

Irish Bishop.—It is stated in a Ministerial paper that Government have already concerted measures for the deprivation of the Irish Bishop whose conduct has excited so much unqualified disgust and abhorrence. This is so far good; but we hope the public will not be satisfied with the punishment of this Right Reverend culprit. Every part of the Irish Establishment teems with the grossest and most scandalous abuses—abuses which have been greatly aggravated by the manner in which our conscientious Ministers have promoted individuals to the Episcopal Bench. The Irish Church Establishment has been perverted to the worst purposes; it has been rendered, not an instrument of Christianity, but of the most flagrant corruption and political jobbing. Its benefices have been almost universally bestowed on the relatives of individuals possessing great political influence, to the total exclusion of those who have nothing

but learning and piety to recommend them. What, we should like to know, had the Hon. Percy Joycelyn done to entitle him to be promoted to the See of Clogher? Will any one venture to say that his talents or acquirements gave him any just claim to a preferment of £11,000 a-year? No such thing. It was not to his proficiency in theology, to his fitness for discharging the duties of a Christian pastor, but to his near relationship to the Earl of Roden that he owed his Bishoprick! It is against this detestable system that the public indignation ought to be chiefly directed. The promotion of the Hon. Percy Joycelyn is not a solitary case of misdirected and abused patronage. It is only one of a thousand equally flagitious with itself. To what did the late Archbishop of Cashel owe his promotion? Mr. Wakefield tells us that this 'pillar of the church' was, before his elevation to the archiepiscopal dignity, a Lieutenant in the Navy—that at one bound he leapt from the quarter-deck to the Cathedral pulpit! And we learn from the same undoubted authority, that *aides-du-camp* and *members of parliament* have been provided with church livings of the value of several thousand pounds a-year! This monstrous system must be put down. Its toleration is a disgrace to the country, and to the age in which we live. There are in Ireland estates of the value of about a million a-year, besides a large revenue in tithes, exclusively expended in maintaining the Bishops of 400,000 Lutherans in a state of pampered and profligate sin-curism. When its wealth is thus squandered—when its resources are lavished on the most glaring and scandalous abuses—can we wonder that Ireland is poor, miserable, and depressed? Deeply do we regret to see Mr. Plunkett lend his support to so disgraceful a system. But it will not be in his power, nor in the power of any other individual whatever, long to maintain the Irish Church Establishment on its present footing. The nuisance has become too open and flagrant not to be abated.

Rio Janeiro.—The inhabitants of Rio Janeiro have addressed the Prince Regent, claiming the establishment of a separate Cortes for Brazil. The Prince seems abundantly disposed to second the proposal, and has written to his Father, stating in plain terms that he considers it his duty to provide for the rights and happiness of the Brazilians, who have the same title to self-government as the Portuguese, and who will do themselves justice, if justice is denied them by the mother country. There can be no doubt that the Brazilians are ardently desirous of an independent legislature; and when the same sentiments are avowed by the person at the head of the government, the question may be considered as decided. It is very possible that the Prince has taken this step secretly in concert with his father, who, anticipating measures probably that may render him uneasy in Portugal, may wish to secure an asylum beyond the Atlantic. He may therefore consider it his interest to conciliate the Brazilians, and to withdraw them from the authority of the Portuguese Cortes. But whether this be the case or not, the plan is evidently dictated by good policy. Brazil has now outgrown the condition of colonial dependance; and if she remains united to Portugal at all, it must be rather as an associated state, than as a vassal receiving laws from her superior. With a separate legislature to watch over her own interests, she may continue subject to the Crown of Portugal for some time; but any attempt to impose on her the full weight of colonial fetters, must evidently lead to the entire separation of the two countries.

Iturbide.—The American papers inform us, that Iturbide was elected Emperor of Mexico by the Congress in May last. This augurs ill for the liberties of the country. A free government may exist whether its chief bears the title of president or emperor; but considering the state of the western world, the title of Emperor would not have been assumed unless the chief had designed to invest himself with the attributes of arbitrary power. The great principles of nature, however, are too strong to be resisted by any individual; the state of society, the force of example, and the influence of opinion, are all in favour of republican institutions in the New World; and to these it is probable Iturbide will be ultimately compelled to yield. In the mean time, Mexico, whatever be the form of her government, has secured her independence,—the first and greatest advantage, and the basis of all future improvement.—*Scotsman*.

Slave Trade.—A whole squadron of six armed vessels employed in this execrable traffic has fallen into the hands of Sir Robert Menzies, being bravely attacked and captured by the boats of the *IRUSMANA* and *MYRAMIDON* under his orders, manned by about 150 seamen. No less than 1876 miserable negroes were released from bondage, and from the most cruel torture, by this gallant exploit. Of these, 500 were unfortunately drowned, by the upsetting of one of the prizes in a tornado, together with some of our countrymen who formed the crew. But with the exception of 200 who died on the passage to Sierra Leone, all the rest amounting to nearly 1200, were landed safely at that settlement. It is to be remarked, that of the slave-traders taken, three were, under the French flag.

Prorogation of Parliament.—On Tuesday his Majesty prorogued the Parliament in person. He left the palace in Pall Mall a little before two o'clock, dressed, as all the papers state, in the same uniform in which he appeared on his coronation—namely, a crimson robe and mantle, decorated with the Orders of the Garter and of the Golden Fleece. He also wore a black velvet hat with ostrich feathers and diamond loop and button. The procession was arranged as follows:—Four royal carriages with one set of black horses and three sets of bays, besides the royal state carriage, drawn by six beautiful cream-coloured horses with new harness and light-coloured ribands,—a groom to each horse. There were also the usual escort of guards, police-officers, &c. The streets through which the procession passed were covered with new gravel.—The *COURIER* says, that on his Majesty's "entering Pall Mall, he was greeted with the loudest acclamations, in which all ranks seemed enthusiastically to join. The same demonstrations of loyalty and affection were manifested throughout his Majesty's progress, and evidently afforded him the highest gratification. He repeatedly bowed and smiled to the populace, and appeared to be in excellent health and spirits."—[We were not present on this gorgeous occasion; but we are informed by a gentleman who was, that he heard no "loud acclamations," witnessed no enthusiasm, and beheld very few hats raised during the whole royal progress. The people, our informant says, seemed rather sullen than otherwise, the applause was exceedingly feeble, and of the "demonstrations of loyalty and affection," he saw nothing but the waving of a few white handkerchiefs by some ladies who witnessed the scene from the balconies and windows.]

Death of Lord Londonderry.—The death of Lord Londonderry will, of course, delay for some time the Congress. The Duke of Wellington will, in all probability, attend it on the part of this Country and not Lord Harrowby, as has been stated in some papers. His Grace has already been initiated in the mysteries of Vienna.

It will be more difficult to find a satisfactory successor for the House of Commons. Mr. Huskisson has too much talent for the Country Gentleman, and the unfortunate habit of expressing himself with clearness and precision. When he changes his opinions, any one can mark the change and contrast the old with the new.

The greatest merit a Leader of the House of Commons can have, is to have no fixed principles, and the faculty of expressing himself vaguely and ambiguously. It is difficult, too, for a man of real ability to avoid shewing in some way or other his contempt for fools, even though they should be fools of quality. We are afraid, therefore, Mr. Huskisson will not have the management of the House of Commons. Were ability to influence the nomination he would of course be chosen, because, in point of ability, there is no man on the Ministerial side of the House who approaches him within many degrees.

We are speaking on the supposition of Mr. Canning going out to India, which, as we have already stated he certainly goes.—*Morning Chronicle*.

High School.—Yesterday (Aug. 2) the annual examination of the High School took place in presence of the Lord Provost and Magistrates, Professors of the University, &c. The young gentlemen in the different classes went through their exercises in a manner equally creditable to themselves and their teachers.

The Gold Medal, the gift of the late Colonel Peter Murray,* was adjudged to Master William Urquhart Arbuthnot, son of the Right Honourable the Lord Provost.

Inscription on one side—

Premium Moravianum in Schola Edinensi,

GUL. V. ARBUTHNOT.

PURRO OPTIME MERITO CONDISCIPULORUM,

Duci.

A. D. MDCCCXXII.

And on the other side are—The City Arms, finely embossed supported by Scots Thistles, encircling the Civic Crown.

Another Gold Medal of the same description was given to the Dux of the Senior Greek Class, Master William Mirtle, residing in St. John Street, Edinburgh, (son of the late Wm. Mirtle, Esq. Boon, Berwickshire,) bearing an inscription in the Greek Language, which may be thus rendered in English:—

TO WILLIAM MIRTLE,

An excellent Boy, surpassing all his School Fellows in Greek Learning, the Lord Provost and Magistrates of Edinburgh presented this Honorary Premium, 1823.

Staffs.—When his Majesty proposed to visit the Island of Staffa he was perhaps not aware that he would have to pay *Three Shillings* for permission to put his foot upon this little corner of his own dominions. Such, we are assured, on good authority, is the fact. The proprietor of that island has thought fit to raise a revenue upon public curiosity, and actually charges three shillings per head for each individual of the numerous parties who go once a fortnight from Glasgow by the HIGHLANDER steam boat to visit Fingal's Cave. Let it be remembered that the island is entirely in a state of nature; there is no pier or landing-place provided for public accommodation; there is not a tree or a shrub, a hedge or a fence of any kind on the island to be injured; and unless the stranger turns quadruped like Nebuchadnezzar, and eats the moss or stunted grass that grows among the rocks, he cannot lessen the value of the property one farthing. This is something beyond the usual acts of sovereign power; for we do not recollect that any prince has taxed men for the mere fact of entering his dominions. In these times of falling rents, however, it may console the holders of some estates to know, that they may turn their *prospects* into money, and draw a revenue from their whinstone rocks. If this system prevail, we may shortly expect to see tolls placed upon Benlomond, Skiddaw, Snowdon, the Trossachs, and Hawthornden. It is the first time we believe, in such circumstances, that a taste for natural beauty, and a scientific or liberal curiosity, have been considered as taxable commodities. Englishmen and foreigners have been sufficiently ready to charge us with a selfish and grasping spirit; but what will they say of such an exaction as this?

Spanish Papers.—The additional details applied by the Spanish papers, shew pretty clearly, that the recent insurrection was the result of an organised plan for the overthrow of the constitutional system. The revolt of the Guards in the capital seems to have been the signal agreed upon for movements at Cordova, Cadix, and other places, all of which, however, have fortunately been suppressed. The prompt and zealous exertions of the municipal bodies, the militia, and the mass of the population, is a circumstance peculiarly gratifying. It proves the existence of that sound and wholesome state of public feeling, which is the only sanitary principle in the midst of national troubles, and which will bear Spain triumphantly through her difficulties in spite of the plots of Serviles within, and the menaces of legitimists without. Some time must elapse before the embers of the insurrection are extinguished; but when this takes place, the Constitutionalists will sit down with a consciousness of strength which they could not formerly possess, and the country will enjoy a more profound and durable tranquillity than it has hitherto experienced. Spain necessarily abounds at present in the elements of civil discord. The people, who could not be well prepared for the great change that has taken place, see but dimly

the boundaries of their rights and duties in their new situation. Having neither public meetings nor a free press till within a very recent period, the contending parties must have remained in some degree ignorant of each other's strength, till it was drawn out for actual conflict. The revolution was so suddenly accomplished, and by means in which the body of the people had so little direct share, that the vanquished party might, with some shew of reason, consider their overthrow as the effect of surprise. The Serviles, it is possible, might flatter themselves that the mass of the nation was with them, and would declare in their favour, were an opportunity afforded. The experiment has now been tried. The flames of war have been kindled, in different parts of the country, by bodies of armed men; but the appeal to the ignorance and prejudices of the people, though made under every advantage, has been made in vain. Except in the North, where the insurrection is fed by the money of France, it has every where been instantly put down. The result must have mortified the Ultras, by revealing to the world the secret of their weakness. It is in Spain as it was in England after the establishment of William on the throne. The adherents of the revolution consist chiefly of the inhabitants of towns, while the Serviles recruit their ranks amidst the ignorant and priest-ridden population of the country. But events will gradually instruct even the most ignorant, and shew them that the priests are leading them to destruction for their own selfish purposes. One good effect has resulted from this explosion. It has unmasked some of the traitors who lurked in the palace, and shewn more clearly who are, and who are not, the true friends of the constitution. Various public bodies are now pressing upon the Permanent Deputation of the Cortes the necessity of taking more decided measures, and especially that of filling all places of trust with men who have given proofs of their attachment to the constitutional system. To this advice the Cortes must soon find it necessary to listen. In the present circumstances of Spain, to suffer men of equivocal principles to remain in power, or to neglect any precautions for securing the public tranquillity, from motives of delicacy to Ferdinand, or from the dread of violating forms, would justly expose the Cortes to the contempt of the nation.—*Scotsman.*

London, July 10.—Yesterday the Duke of York, as Commander-in-Chief, held a Levee at his office in the Horse Guards.

Yesterday, at two o'clock, the Duke of Gloucester left his house in Park-lane, in his carriage and four, attended by Sir George Collier and Colonel Foster. His Royal Highness proceeded to Woolwich, where the Royal Duke and suite embarked on board the Admiralty yacht, to proceed to Holland.

The Earl of Liverpool continued better yesterday.

It is now said that Parliament will not rise till the 3d of August. The House of Commons, it is understood, will finish the business at present on its list, or announced for discussion, about the 25th instant, when it will adjourn to the above-mentioned day. During the interval the upper house will dispose of the bills which are at present on its table, or may afterwards be sent for its concurrence, and on the 3d the prorogation will take place by a speech from the Throne. It is a rare occurrence to see Parliament extending its sitting into the month of August.

The messenger of the House of Commons, who went to Mr. Abercromby's house last night, and reported his absence at the bar, immediately after set off in a post-chaise and four to overtake him, and execute the Speaker's warrant for his recall. Another messenger departed at the same time for Edinburgh, to compel the attendance of the two Scotch barristers.

Letters from St. Thomas's of the 9th ult. have been received by the Leeward Islands packet. Advices had reached Caracas from the President Bolivar, who had advanced with a large force as far to the south as Quito, stating that he had an engagement in that neighbourhood with the Royalist force under General Murgeson, the late governor of Panama, in which the latter sustained a signal defeat, and was killed in the action. The accounts from Maracibo do not confirm the defeat of General Morales, which was stated in the American papers to have

* This officer who was killed on his voyage to England was Adjutant General of the Bengal Army.

taken place; on the contrary, they allege that he had gained the command of both sides of the river at Maracaibo, and was able to give much annoyance to the Independents.

First Intelligence from Greenland.—Extract of a letter from Hamburgh:—"A vessel is arrived at Gluckstadt from the Greenland fishery, and has been very successful, having brought 2,500 seals. She brings advices that all the other ships have also been very successful, and have proceeded to the whale fishery. Twenty-seven ships from Hamburgh and other German ports had 69,000 seals. The advices were to the middle of May."—*Hull Packet*.

We understand that the Directors of the Royal Bank of Scotland, following the example of the Bank of England, have adopted the resolution of discounting bills and notes, approved of in the usual manner, at four per cent.—*Caledonian Mercury*.

Statue in Hyde Park.—The Hyde Park Statue made its appearance in the course of yesterday. It is a very extraordinary production of the brass-melting muse. The public may be aware, that at the top of the Quirinal Hill in Rome, and in front of the Pope's Palace, there are what may properly be considered as two groups of the most sublime nature; consisting of two men on foot, each, in nearly the same position, curbing in, but almost succumbing under, the impetuosity of two high spirited horses. One is called *Opus Phidias*, the other *Opus Praxiteles*—on what authority no one knows; but the workmanship is not unworthy of those immortal masters. The human figures are, we presume upon still more doubtful authority, popularly named Castor and Pollux. They might probably with equal truth have been called Uz, and Buz his brother, mentioned in the book of Genesis, chap. xxii. v. 21. Now the artist on the present occasion takes one of those figures without the horse, and, as will be seen by the inscription, christens it Achilles; and says, this statue of Achilles is dedicated to Arthur Duke of Wellington, and his brave companions in arms, by their countrywomen. Their countrywomen, no doubt, may be very clever; but what right they can have to name figures formed upwards of two thousand years ago, we are yet to learn. A statue of Achilles! Was there ever such a man as Achilles? and if there was, who was the contemporary Mr. Westmacott to take his figure? But with respect to the application of such a figure to its present purpose, or indeed to any purpose except simply that of exhibiting a fine form, we can say nothing. We have described the position of the marble statues and their horses on Monte-Cavallo. We are aware that there are doubts whether they were originally so grouped; but still the action of the men is that of resisting and pulling back as much as possible an almost overwhelming force: upon the arm then (the left) which appears in the original with great difficulty to hold in the steed, there is in the new production simply placed a shield, which it requires no strength whatever to sustain; so that the body is, as it were, receding, whilst there is no external force to throw it into that position. Suppose an artist were to give us the colossal figure of Atlas as he is generally represented, but, instead of the globe under which he labours, were merely to put him on the Lord Chancellor's wig; would not all the world ask why the hypocritical knave was thus crouching and pretending to be overwhelming? Just so, in the present instance, we are present with an action, which there not external circumstances, no adventitious incidents, to justify or render intelligible.

What is to be placed in the right hand, we know not; but at present (when seen from the western side) it looks very much as if it were sustaining a cup of physis, which poor Achilles was loth to rise to his mouth. The left leg, also, we should suspect to be faulty; but we might be deceived by the ropes with which it was in part surrounded. The whole is what may be called nonsense.—*Times*.

Operation of the Alien Act.—Yesterday Captain Peter Black, of the LORD MELVILLE steam-packet, appeared before R. J. Chambers, and R. Hedger, Esqrs., at Union-hall office, on an information under the 56th of Geo. III., cap. 86, charging him with having landed in the port of London an alien named Jean Ulrick Districh, a native of Switzerland, without having specified the same in the ship's declaration, submitted on arrival into port to the Inspector of Aliens.

Mr. Capper, principal officer in the Alien Department, appeared upon the part of Government, and proceeded to read this section of the act above-mentioned, which specified, that the masters or proprietors of vessels, shall, on their arrival in the country, declare in writing to the Inspector of Aliens, whether there is or are any alien or aliens on board; and shall, in the said declaration, specify the names and descriptions of the said alien or aliens, &c. The penalty annexed to an infringement of this section of the act was, Mr. Capper stated, 10l. for each alien found on board without the foregoing specification. He then called

Captain Walsh, of his Majesty's brig the *FLAMEN*, lying at Gravesend, who is the inspector of aliens at that station. He (witness) produced the Lord Melville's declaration, dated the 27th of June, 1822, and duly enumerating the names of the British subjects landed from the LORD MELVILLE in the port of London, and in the same declaration, on the reverse side, under the head of Aliens, was written "None."

The defendant here pleaded Not Guilty to the information.

Mr. Capper then called Jean Ulrick Districh, who stated that he was a native of Switzerland, and that on the 27th of June he came over a passenger on board the LORD MELVILLE steam-packet, and was landed from her in the port of London. Witness said that his name had not been demanded on board the vessel, and that during the time the packet was getting under way he was in the cabin writing letters. Witness did not recollect the Captain's person; paid 32s. for his passage, and received the check, which he returned on landing in England.

Mr. Capper said this was his case, and observed that the information would not have been exhibited if the case just stated was a solitary instance of the violation of the act, but there had been on board at the very time a lady and gentleman, also foreigners, whose names were not inserted in the declaration, and whom he should have brought forward if they had not been obliged to return to the Continent immediately after their arrival. The instructions from the Secretary of State to press the conviction against the defendant were peremptory.

The defendant said, he had no knowledge whatever of the alien Jean Ulrick Districh, whom he did not see on board the LORD MELVILLE, and who might have been overlooked during the time the declaration was in the course of being filled, as he did not appear amongst the other passengers on deck, where, it was usual for passengers to assemble on such occasions. The defendant added, that he had been 13 or 14 voyages from London to Calais.

Mr. Jolliffe, one of the proprietors of the LORD MELVILLE, stated, that the defendant had uniformly conducted himself with the greatest propriety while in their service, and had, up to the time of complaint, punctually attended to the statute. The omission was, it appeared evident, a mere act of inadvertency, and as such, ought not to be severely inquired into.

Mr. Capper persevered in his course.

The Magistrates observed, that the omission, to say the least of it, was an instance of gross negligence, and that the more the Act was enforced, the more advantageous it would prove to masters and proprietors of steam-packets. They convicted the defendant in the penalty of 10l. and 10s. costs.

Mr. Jolliffe said that the proprietors were put to great and unnecessary inconvenience, by being obliged to land foreigners at Gravesend, as they made it a point to wait for the return of such passengers from the examination at that station. There was danger also attending the practice. He had himself incurred some in conveying an alien servant of Lord Clinton's from the vessel to the shore in conformity with the act for inspection. He suggested that an alien officer should be appointed to remain on board each packet, or a Custom-house officer sent on board from Gravesend to prevent the delay. The proprietors of the LORD MELVILLE would, however, acquaint aliens at Paris, Frankfurt, and all the great towns on the continent, that they would in future be landed at Gravesend, and not in London.

NEW WORK ON INDIA.

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NEW WORK ON INDIA.

EXTRACTS FROM LIEUTENANT WHITE'S CONSIDERATIONS
ON BRITISH INDIA, JUST PUBLISHED.

Chapter III.—State of the Press.

The Liberty of the Press has never existed in India, as exercised in England.—The late regulations of Lord Hastings have not allowed of the liberty of the Press; on the contrary, they prohibit it.—The reasons urged in justification of the restrictions on the Press examined, and their impolicy maintained, from their tendency to prevent Government from obtaining correct information as to the effects of its political measures; which would thus enable the executive to guard against any irruption of discontent in its subjects, or disaffection in its soldiery.—The apprehended danger of free discussion on the minds of the natives, shown to be erroneous, from their ignorance of the English language, and the peculiar stage of their civilization at which the Indian community has arrived.—The liberty of the Press in India would perform the same service which parliamentary opposition effects in England, by exposing the errors of administration, and thus enabling the executive to rectify its measures.

The liberty of the press, as exercised in England, has never existed in India. Under a government possessing the arbitrary power of sending individuals to Europe who abuse the liberty of the press, it is in vain to look for freedom of discussion. The administration of Lord Cornwallis was marked by the exercise of this invidious power in one or two instances; but no direct check was imposed upon the press, during his career, except the dread of this obnoxious punishment. It was reserved to Lord Wellesley to establish a direct censorship, by requiring every editor of a newspaper to forward a copy of his journal (prior to publication) to the government secretary, upon whom devolved the task of expunging such articles as were supposed to be unpalatable to the supreme authority. At the same period, the summary power which the legislature conferred upon the executive was exercised with great vigour. Under these vexatious restrictions, all liberty of discussion expired. Subject to the arbitrary control of any individual, with no rule to direct his judgment but his caprice, the most harmless effusion might be regarded as a studied attack upon authority—whilst just and sound animadversions upon its conduct might pass altogether unnoticed. This system continued during Lord Minto's administration and the early part of Lord Hastings's career. In the year 1818, however, the censorship was abolished, and the following regulations established for the government of the press:—

"The editors of newspapers are prohibited from publishing any matter coming under the following heads:

"1st, Animadversions on the measures and proceedings of the Honourable Court of Directors, or other public authorities in England, connected with the government of India; or dispositions on political transactions of the local administrations; or offensive remarks levelled at the public conduct of the members of council, of the judges of the supreme court, or of the Lord Bishop of Calcutta.

"2d, Discussions having a tendency to create alarm or suspicion, among the native population, of any intended interference with their religious opinions or observances.

"3d, The republication, from English or other newspapers, of passages coming under any of the above heads, or otherwise calculated to affect the British power or reputation in India.

"4th, Private scandal and personal remarks on individuals, tending to excite dissension in society.

"Relying on the prudence and discretion of the editors, for their careful observance of these rules, the governor-general in council is pleased to dispense with their submitting their papers to an officer of government, previous to publication. The editors will, however, be held personally accountable for whatever they may publish in contravention of the rules now communicated, or which may be otherwise at variance with the general principles of British law, as established in this country, and will be proceeded against in such manner as the governor-general in council may deem applicable to the nature of the offence, for any deviation from them. The editors are further required to lodge, in the chief secretary's office, one copy of every newspaper, periodical or extra, published by them respectively."

These restrictions appear to place a severe restraint upon free discussion; but it is undeniable, that, since their introduction, a marked improvement has taken place in the character of the Calcutta press. Relieved from the deadening pressure of the censorship, the elastic spirit of freedom has manifested itself, by springing forward into new and untrodden regions of inquiry—at least in India. A variety of important information respecting the moral and political condition of the natives, agriculture, commerce, the revenue, and judicial systems, has appeared, which would never have seen the light under the former restraint.

The idle portion of the Indian community consisting principally of military men, public discussion has chiefly turned upon the peculiar interests of this class; at the same time, many valuable hints have been thrown out, which the government might avail themselves of in the improvement of their army, and the better administration of justice to the native portion of it. Since the same period, the press has teemed with plans for ameliorating the condition of the country-born population, and pointing out their interests to the peculiar notice of government. In no respect is the salutary influence of an improved press more manifest than in the reform of the police and better regulation of the city of Calcutta. Under the former system, no one dared to animadvert upon the acts of the police magistrates of Calcutta; any exposure of abuses was suppressed, lest it should give offence to powerful individuals; but, subject to the control of public opinion, their conduct has visibly improved. This beneficial change is principally to be ascribed to the liberal and enlightened sentiments expressed by Lord Hastings, in his reply to the Madras address of congratulation on the successful result of his policy in 1817-18. In reference to the abolition of the censorship he thus expresses himself:

"It is salutary for supreme authority, even when its intentions are most pure, to look to the control of public acrimony,—while, conscious of rectitude, that authority can lose nothing of its strength by its exposure to general comments; on the contrary, it acquires incalculable addition of force. The government which has nothing to disguise, wields the most powerful instrument that can appertain to sovereign rule; it carries with it the united reliance and effort of the whole mass of the governed; And let the triumph of our beloved country, in its awful contest with tyrant-ridden France, speak the value of a spirit to be found only in men accustomed to indulge and express their honest sentiments."

It is delightful to read such sentiments as these;—to behold in Lord Hastings, in the decline of life, the same unalterable attachment to freedom which distinguished his early days;—and this, too, in the government of British India, where the habitual exercise of an enlightened but arbitrary power has a powerful tendency to estrange the statesman from the wholesome restraint which public opinion imposes upon his actions. The manly avowal of these sentiments gave a new tone and character to the Calcutta press; and this effect was powerfully aided by the independent spirit of one individual. Much discussion has prevailed in India respecting the political merits and demerits of the *CALCUTTA JOURNAL* into which it is not my intention to enter; but, surely, all parties will agree, that the animated labours of its editor have imparted new life and vigour to the daily press. It is impossible to avoid being struck with the marked inconsistency in these liberal opinions of Lord Hastings, and the rigid restrictions imposed on the press during his government, as promulgated in the regulations for the guidance of the editors. The explanation is, in all probability, to be found in the nature of his political situation; With a direct path marked out for him by the supreme authorities in England, he was compelled to conform to it in his public conduct. Such being the case, these emphatic declarations in favour of free discussion must be regarded as the natural and undisguised workings of the soul, struggling with and overmastering those artificial restrictions which chained down and oppressed his will. It is remarkable, that, whilst the censorship has been abolished in Bengal, this invidious power still exists on the coast presidency; and it is not unusual to see articles inserted in the *Calcutta Journals*, which have been rejected by the censor at Madras. It may, perhaps, be hastily inferred from this fact, that the liberty of the press, in discussing the public conduct of government, exists in Bengal in the same spirit as in England. The fact is quite otherwise. In India the spirit of inquiry is allowed to exercise itself in saying every thing in favour of the supreme authority, but the human faculties must remain altogether dormant in pointing out its defects. The most entire liberty of discussion prevails respecting European politics. Every thing may be said respecting existing administrations, or printers, in the West; but, as regards the East, the intellectual labours of public writers are solely limited to the praises of their rulers.

This, at least, prevails in what is strictly called political discussion. Unquestionably, the abolition of the censorship has stimulated individuals to communicate a great body of information, on a variety of subjects interesting to the community; but there never has existed, in India, the right of public discussion—of animadverting, with freedom and fairness, upon the actions of their rulers; the truth cannot be spoken—the opinion of the public has never been fairly brought to bear upon the conduct of the governing body; nor does it exercise any efficient check through the medium of the press. And such must always be the case, as long as these restrictions and the arbitrary power of deportation exist. It therefore cannot be said that the liberty of the press has resulted from the abolition of the censorship: the only substantial benefit which this act of Lord Hastings has conferred is, that the right of publication is allowed, subject to responsibility—a visible improvement upon the old system, which rendered the right of discussion altogether dependant upon

the arbitrary control of an individual. Under the necessary expansion of mind resulting from this innovation, public opinion has expressed itself indirectly upon the conduct of government, in indulging a spirit of inquiry upon subjects apparently unconnected with its peculiar functions, but in reality, dependent upon it: but all direct animadversion, or fair and manly discussion of its merits and defects, is pointedly repressed. It seems evident, that the prosperity of British India would be prodigiously improved, if the free and direct action of public opinion was brought to operate upon its government; if the liberty of the press was practically exercised in the same spirit as it operates in England,—and such would seem to be the conviction of the present governor-general.* With this opinion in favour of change, I shall proceed to consider the arguments for and against the present system. And shall premise, by declaring, that it appears to me, every European is bound to respect the existing regulations which abridge the freedom of the press. Coming out to India with the knowledge of their existence, he can have no pretext to justify their infringement; at the same time, he is not precluded from exercising his reason, in examining their scope and tendency, under a government more favorable to general liberty.

It has been urged, in justification of this system, that a free spirit of discussion would endanger the stability of our dominion, by crippling the energy of the executive;—that the natives are accustomed to implicit obedience to its authority;—and that the very appearance of opposition would loosen the chain of subordination, and ultimately subvert the state. This reasoning appears to be founded on an entire ignorance of the state of society in India, and of sound principles in political philosophy. It is only in a certain period of civilization that the direct action of the press upon the government in expressing public opinion, and its reaction upon the people, is perceptible; and this can only exist in a community where the people have attained a due share of power and intelligence, and are enabled to influence the conduct of their government. This cannot be said of British India. The power of the people is nothing—its government an enlightened despotism. In all despotic states the influence of the press is unknown: the power and intelligence of the people necessary to create it, cannot exist in such a state of society. Such being the case, in the event of grievous misgovernment, the force of public opinion expresses itself, in this period of civilization, by a direct appeal to force.—Who ever heard of the liberty of the press in Turkey or China? This admirable contrivance for enabling public opinion to act upon the government is altogether unknown; hence the people are compelled to resort to insurrection. The state of British India is nearly similar. The victims of a cruel period of misgovernment and abuse, under their former rulers, its population has never attained that weight and consequence which would enable it to influence the government by means of the press. Thus debased in intellectual character, they are altogether beyond the pale of its action. The only legitimate power which they are accustomed to recognize in government, is the agency of force; and the only check which they have provided for misgovernment, is a resort to the same extremity. The alarming rebellions which occurred in the provinces of Rohilcund and Cuttack, during the administration of Lord Hastings, sufficiently illustrate this opinion: Neither party resorted to the agency of the press; every thing was decided by force. With this knowledge of the political state of India, it is surprising that men should still persist in entertaining chimerical apprehensions of danger from the liberty of the press. How is it possible that this freedom of discussion can endanger our dominion? Who is it that reads amongst the natives with a view to enlarge his mind, or form his opinion of the existing government, through the medium of the press? Their knowledge of English is limited to the slender stock which enables them to obtain a livelihood in the service of Europeans; and this confined to a few hundred individuals within the immense city of Calcutta. Beyond the suburbs the language is unknown. The example of Rammohun, and one or two individuals, may be cited as instances of individuals who have attained some notions of civil liberty; but he, like Bacon or Galileo, has outstripped the genius of his age. Thus, there exists an irresistible check to the apprehended danger, in their entire ignorance of the language by which the press is to operate. The progress of human improvement is mournfully slow. A century or two in all probability will elapse before the Hindoo community will be elevated in the scale of being, to the degree that an enlightened public will influence the conduct of the supreme power, by expressing its will through the medium of the press, and experience a beneficial reaction by learning the opinions of its government by the same channel. Until this bright era arrives, it is in vain to talk of the agency of the press in its operation upon the native population. The government, too, seems to entertain the same opinion respecting the dangerous tendency of the press. (See the second article of the regulations prohibiting "discussions having a tendency to create alarm or suspicion, among the native population, of any intended interference with their religious opinions and observances.") But surely an enlightened government, like that of Bengal, need not be told, that, if the pernicious operation of the press had a direct tendency to pro-

duce this alarming evil, its salutary power of exposing falsehood would be infinitely more efficacious in counteracting it, especially when supported by the powerful influence of government, and the general interest of the European community. If no design of innovation was contemplated on the part of the supreme power, its prompt disavowal would repeal the danger, whilst the merited punishment of its calumniator would powerfully deter from the commission of a similar crime. The government possesses the same power of punishing a libeller as exists in England, by prosecuting him in the civil court; and no one will contend that the abuses of the press should remain unpunished. In all probability, this power would be rarely exercised. The occupation of a professed libeller can scarcely exist in India. The European community is not sufficiently numerous to enable it to afford employment to those who would pamper its malignant passions by the slander of individuals. Closely identified with the interests, and forming the great body of its public functionaries, there is no temptation to defame the government. A public writer who would pursue this course from mercenary motives, would evince an utter ignorance of his own interests. In opposition to the general spirit of the community, his work would speedily perish. If these reasonings are correct, it must be apparent that the stability of our government cannot be endangered by the freedom of the press. In the existing state of the native population, it remains to be inquired, if the operation of this spirit of discussion on the European part of the community would threaten its security. Strangers in a foreign land, their fate interwoven with that of the government, and the principal agents of its power, is it likely that they should stand forth to advocate a system of policy detrimental to its interests—that they should propagate alarms subversive of its existence? Human nature forbids it. Every consideration of interest or duty would impel them to exert their faculties in its defence. The freedom of the press would afford every facility in exerting this aid. The exercise of public discussion would naturally devolve upon the intellectual part of the community. At the present moment, the civil, military, and, above all, the medical and clerical branches of the service, possess by far the greater portion of this knowledge, at least nine-tenths of the cultivated intellect in British India; but these classes have a manifest interest in upholding the government—all their talent is enlisted in its service. What chance is there of their subverting it? None: But were greater freedom of discussion allowed, they might perform important service in maintaining it,—by enlightening the government as to the real interests of its subjects, and correcting its mistakes,—by exposing the misery which has resulted from rash and unskilful laws,—and by bringing forward such a mass of information as would enable government to legislate soundly on the general interests of the community. It must strike the most superficial observer, that, under a government carried on by so few public functionaries, every aid is required to enable it to perform its functions; and that every encouragement should be held out to individuals, to contribute such information as might assist in the performance of this duty. In regard to our external policy, the benefits which would result from an increased liberty of discussion are no less obvious. By directing the political talent of the community to the conduct of its government, the advantages and disadvantages of its system of foreign relations would be rendered manifest. Thus, if a course of action was pursued, degrading to our character and disadvantageous to our interest, the salutary expression of public opinion would destroy it in the bud, and avert that national dishonour which would have sullied our fame. At present, this powerful check to a career of aggrandizement exists in the opinion of enlightened Europe; but it would be far more efficacious if exercised on the spot. But, to render the advantages to be derived from the liberty of the press more strikingly manifest, I shall proceed to consider the subject in its application to our system of government in India, civil and military.

The strength of the British government in India, appears to me to depend upon the number and discipline of its armies, and the moral and intellectual superiority of our character, the confidence reposed in which by the natives enables us to command the services of the military classes,—those in whom the real and efficient power of the community resides under a despotic form of government. The high pay which the British government affords, its strict justice, and the noble provision made for those disabled in action, allures the more adventurous and courageous spirits to enrol themselves under its standard. This appears to be that wonderful charm by which a small but skilful band of Europeans are enabled to keep in subjection some 70 or 80 millions. The military classes in Hindostan rule over their countrymen. The superior energy and moral strength of the European character enables it to wield this mighty force at its pleasure; and directs it to subvert the vast population of India to its will. Hence, it must be obvious, that were the affections of the soldiery alienated, the British government could no longer stand. Its civil institutions have not attained to that perfection that these alone would maintain it, aided by the power of its armies. Such being the case, of what incalculable importance it is, that the temper and disposition of this body should be known—that the slightest symptom of discontent or even imaginary grievance should be instantly communicated to the supreme power. Has not the safety of

* If we can judge from his sentiments formerly quoted.

the state been in danger by the ignorance of government on this head? Does not the history of the Bengal army teach us, that mutinies have arisen from the mistaken zeal of officers commanding corps, who had reported that the whole of their men had volunteered for foreign service, when this could only be said of a part; and when the attempt to make them embark was resisted by force? Had the liberty of the press been allowed in India, surely some officer of these corps would have stood forward to direct the attention of government to this alarming discontent. It is well known, that at Java, in 1816, the Bengal Light Infantry Battalion had conspired against its officers; and had determined to assassinate them, with the ultimate view of subverting the British authority in the island. What were the causes of this? The Sepoys alleged a breach of faith on the part of the Government; that it had promised to relieve this force in three years, and had detained them six years in a foreign country;—that this shameful injustice had compelled them to have recourse to arms. This may have been the true cause or not; it is sufficient for me to say, that I have heard this plea urged by soldiers who had served in this battalion. It remains to inquire, was there any thing in the conduct of government to afford a colour for this pretext? Its general practice, with regard to troops who have engaged to serve beyond sea, on general duty, is to relieve them every three years. With regard to volunteers, the rule is different: it is generally understood that they shall return when the particular service upon which they are employed shall have been accomplished;—it is no part of their engagement to serve beyond sea in the general duty of the islands. This was precisely the case with the troops at Java. They had offered their services for the conquest of the island, which was effected in three months; and yet they were detained six years on its general duties;—in truth, no other troops were raised for its defence. It may be urged, that the greater part of these men wished to remain on the island, and that government, aware of this, delayed their return. I am inclined to think that this was the case with a considerable portion of these troops; but, allowing it to be just, it will not vindicate the conduct of government in leaving its engagements unfulfilled to the remainder. Why should an exception have been made against those gallant spirits—who were not bound to go beyond sea—who could not be forced,—but who stood forth in a moment of need, and offered their services? With such men the pledge of the state ought to have been sacred. But the practical conclusion I mean to draw from this fact is, that, had a liberal spirit of discussion been allowed on military affairs, it is certain that the knowledge of this disaffection would infallibly have reached the supreme authority; and who can doubt that an enlightened government would alter its conduct, and thus avert that danger which threatened its existence? It must be obvious to any one acquainted with the structure of Asiatic society, that the mass of its population are accustomed to look up with implicit reverence to those upon whom they depend for subsistence. This is precisely the case with the native soldiery in regard to their European officers. In them alone is the government effectually represented. They are the springs which impel the machine. The superior energy and intellectual superiority of the European character is manifest through them; only an uneducated race of men never look beyond this. Hence it might be inferred, that an accomplished body of European officers would possess an almost boundless influence over their men. Such would appear to be the case. The recent disturbances at Madras afford lamentable evidence of it. Considering that the direction of the only efficient power in the community resides in this body of European officers, is it not of paramount importance to the government, that there should be a safe and legitimate channel by which the opinion of this class of men should be known? Their grievances unequivocally stated;—if just, redressed;—if unreasonable, beaten down by sound argument or force. What other medium is there but the press? Had even that limited spirit of discussion which characterizes Lord Hastings's administration been allowed at Madras in 1809, it is more than probable, that portentous conflict between the executive and its military force might have been altogether avoided! Had there been any channel by which the sense of the army could have been conveyed to government, it would have known the general discontent which its measures had created; and this information, coming upon it by degrees, would not have roused its passions, or alarmed its pride, by any attempt at dictation. Perfectly aware that the power of directing the army against the civil authority existed in the great body of European officers, the government would have felt the necessity of conciliation—of altering its conduct, so as to allay the disaffection which pervaded that body. If the liberty of the press had existed, the most distinguished officers of this army, Clive, Malcolm, Wilks, Munro, would have availed themselves of its power to reconcile the contending parties. Elevated by their talents to a closer connection with the government, and identified with it in interest, but feeling a natural sympathy in the cause of their brethren, their situation naturally pointed them out as mediators.

Under a system more favourable to the independent exercise of discussion, they would have stood forward to heal those cruel wounds which threatened the existence of our Indian empire. Addressing themselves to their fellow-soldiers, they would have pointed out the unreasonableness of their pretensions,—the paramount duty which they owed, as citizens of a free state, of submission to the civil power, at least until all redress was denied; and would have powerfully recalled to their re-

membrance that it was only a series of the most cruel and provoking outrages on their rights which could justify resistance. At the same period, they would have told the supreme power, in firm, but respectful language, that soldiers are human beings, endowed with reason as other men, and accustomed to recognize its influence as paramount in all human affairs;—that the severe mortifications which the pride of this army had received, and the injuries which its interests had sustained, ought to be redressed;—that a harsh exhibition of its power, and disdainful refusal to listen to its claims, was a conduct unsuitable to an enlightened government;—and that it would be far more honourable to its character, to evince a desire to determine its differences by the fair exercise of reason and persuasion than to resort to arms, without an attempt at negotiation—a policy characteristic of the lowest period of civilization. There being no medium by which the pulse of the army could be felt—no expression of its opinions by means of the press—the government was altogether ignorant that its conduct had created such a vast mass of hostility; whilst, deprived of the salutary check which public opinion would have exercised upon its conduct, the military body was entirely abandoned to the evil voice of its passions. In this state, a deep-rooted sense of inquiry agitated the army, which rankled the more from there being no vent for its expression. Ignorant of its danger, the government was not restrained from pursuing that irritating and domineering conduct which exasperated this wounded spirit to such a degree that it ultimately provoked a contest between the supreme power and its military force. In all probability the shock between these conflicting bodies might have been stayed by the agency of the press, which the impartial part of the community would have employed in exposing the errors into which both parties had fallen. It may be objected to this reasoning, that the attempt to convince an army of the errors of their conduct, by the exercise of reason and discussion, is strikingly absurd;—that experience demonstrates that military men are unaccustomed to recognize the influence of reason in human affairs;—that the habits of their profession naturally dispose them to have recourse to violence and injustice; that they cannot be reasoned with, and have an irrational propensity to decide disputes entirely in their own favour. This may be admitted in part; but it should be recollected, at the same time, that the party in question were not an uneducated soldiery, with whom brute force is paramount in every civil transaction; on the contrary, that they were a well-educated and liberal-minded body of officers, whose habits disposed them to acknowledge that principles of reason and justice were essential to the welfare of society;—and that those who were distinguished by the possession of these qualities were entitled to the first places in its government. Recent events have thrown some light on this subject. The revolutions in Spain, Portugal, Naples, Sicily, have shown that soldiers are not the mere creatures of command—the blind mechanical agents of power; on the contrary, that they are imbued with the same feelings and passions as the rest of the community, and as thoroughly impressed with the advantages resulting from rational liberty. The names of such men as Washington, Fayette, Carnot, Hastings, Fitzpatrick, Wilson—soldiers—distinguished for their ardent love of freedom, affords, a practical refutation to this debasing doctrine which excludes the military profession from all pretensions to the character of moral and intellectual beings. Several of the claims of this army have been animadverted upon with great severity, as altogether unprecedented under a civil government. I more particularly allude to the opinion that the army should be represented in council, or rather, that military servants should be eligible to sit in council. If the military power is so essential an element in the government of India—if the existence of the civil authority depends upon it—nothing can be more reasonable than that the councils of the state should be aided by a person who is thoroughly aware of its temper and spirit. If a member of the military body can attain the first place in the government, such as Sir Thomas Munro, why should he not be able to fill the second?

The beneficial effects resulting from the limited discussions on military affairs, which have been permitted in Bengal during the administration of Lord Hastings, are already apparent. It was generally understood that the government seriously contemplated the introduction of promotion by brevet into its military service, instead of that gradual rise by seniority which prevails at present. The expression of public opinion showed that this projected innovation was decidedly adverse to the wishes of the great body of its officers; and, opposed to the sense of the army, it is not likely that government will persevere in this plan. It appears to me that the press has done eminent service to the government, by exposing the pernicious tendency of plans which have been brought forward by individuals for the improvement of its army. The grand object of these schemes seems to have been to augment the number of European officers in each corps, and thereby to quicken their promotion. This was to be accomplished at no expense to the state, as the number of native officers was to be diminished, with the express view of meeting this extra charge. So that by this measure the interests of the native officers of the army were to be sacrificed, with the view of benefiting the European portion of it. It is lamentable to think that self-interest could so far blind men as to induce them to stand forth to advocate so grievous an act of injustice. Would it be believed, that those gallant spirits who had led forth their brave soldiery into the field—who

had fought with them side by side—who had gained their honours and distinctions by their courage and devotedness;—that these men should be the first to exert their talents to the injury of their fellow-soldiers? Was this their return for their fidelity under temptation, their patience under sufferings, their ardent attachment to their leaders, which has often led them to carry off their wounded European officers at the imminent hazard of their lives? Was it by their hands that this cruel and mortifying wound was to be inflicted? It had heretofore been the proud distinction of scapvy officers, that the connexion between them and their men was maintained by benefits, not by injuries. Alas! how mournfully would it have been reversed had these plans succeeded. But the salutary effects of discussion were here strikingly manifest—the specious pretexts by which these innovations were recommended to the notice of government having been ably refuted, and their tendency to render the army more inefficient than under the present system fully exposed.

In considering the objections which may be urged against this liberty of discussion in military men, it will be contended, that the discipline of the army could not subsist against the spirit of opposition that it would excite against superior authority,—that the habit of prompt obedience, so indispensable to the existence of an army, would soon be destroyed. And it will likewise be said, that the right of representing grievances exists under the present system, which removes all pretext for public discussion of the interests of the army. It does not appear to me that the sound principles of military subordination are likely to be injured by this liberty of thought. The general principle of obedience is so clear and distinct, and the penalty of disobedience so manifest, that scarcely a situation can arise, in ordinary circumstances, which would warrant resistance in a soldier. It is only a marked illegality in an order, subjecting the inferior to punishment who obeyed it, which can justify resistance; and even then it is thoroughly impressed on every soldier's mind, that, unless the interests of humanity are endangered by this order (such as a command to destroy an inoffending individual, or what subverts those established principles upon which society is founded), it is his duty to obey, in the first instance, and then represent the misconduct of his superior. Such being the case, how are these cardinal principles to be eradicated by this freedom of discussion? In the field, or on the parade, the officer is practically convinced that obedience is the vital spring of an army—that he can only command the services of his men by its agency; but how is this to be injured by the liberty of the press, which operates in the closet, which addresses itself to the enlightened judgment of the public, and whose reasonings by no possibility can influence his native soldiers so as to excite to disobedience.

It now remains to consider this subject in its connexion with our civil government in India. It must strike the mind with irresistible force, that a government of this nature, carried on by a few public functionaries, consisting of about 600 individuals in the three presidencies, exercising dominion over 60 or 80 millions—these strangers in the land, and altogether opposed in character and manners to its inhabitants, is singularly unqualified for administering power, so as to render it beneficial to the community. The grand defect of this government appears to be, that its public functionaries possessing no stake or influence in the country—no hereditary power over the people—there exists no natural sympathy between the latter and their rulers. Deprived of this salutary support, its agents must encounter insuperable difficulties in attempting to ascertain the real operation of the measures of government on the welfare of the community, and in collecting such information as would enable it to legislate correctly. In Bengal, there are several extensive districts containing a population of a million or 1,200,000 souls, the civil government of which is solely confided to two individuals—a European judge and collector of revenue. Such being the case, it is scarcely possible that the most meritorious individuals can acquire that minute knowledge of the various interests of their districts which is necessary to the just administration of their power. Their time is scarcely sufficient for the ordinary performance of their duties, and allows of no leisure for extraneous inquiry. When an individual has acquired this knowledge by superior ability, or the laudable sacrifice of that time which is required for health or relaxation, his reputation for talent and integrity induces the government to remove him to another district, to correct the evils resulting from the imperfect administration of others. Thus, the benefit arising from his labours is in a great measure lost to the people, who are deprived of an able ruler, whilst the individual is perhaps removed to another province altogether different in language and manners, where the same indefatigable exertions must be gone through to qualify him for exercising power beneficially. The operation of this cause in depriving the government of correct information—the limited number of its public functionaries—the perpetual changes which the rise by seniority creates—the departure of its most enlightened servants to Europe—and the want of a permanent interest in the welfare of the country, which the possession of landed property by Europeans would create—prevents our government from operating so beneficially as might be expected from its enlightened character. The misgovernment and oppression of which these regions have been the victims under their former rulers, by degrading the character of the inhabitants, has aggravated the difficulties with which the British govern-

ment had to contend. Under the pressure of a despotic form of government, the people could never attain that wealth and power which would enable them to influence the conduct of their rulers, or assist them in its internal administration. There never has existed in India any municipal corporations or provincial assembly, which could aid the government by relieving it from the petty details of its internal administration, and which could operate beneficially on the supreme power, by conveying correct information as to the general sense of the community on its measures. It must be obvious, that a government of this character, which is not founded on consent or affection, which exercises a natural influence over the people, could only have been introduced by force, and that it must mainly depend on the military power for its support. But the entire command of this force, for the purpose of maintaining its power, cannot secure a government against the insurrection of its subjects. A grievous course of oppression and misrule naturally provokes resistance to superior authority. Such being the case, is it not of primary importance to government, that it should possess correct information as to the nature of the existing discontent, that it may avert the impending danger by an immediate change in conduct? But there exists no political machinery in British India by which this knowledge can be conveyed to the executive—no medium by which the grievances of the people can be forcibly expressed. The only channel by which the supreme power receives information is that of its functionaries—the very persons whose arbitrary conduct may have excited this disaffection, and generally the last to perceive the impolicy of their conduct. It is here that the agency of the press would be strikingly efficacious. There exists in the provinces a number of intelligent individuals altogether unconnected with its internal administration, such as medical, clerical, military men, merchants, and indigo planters, who come into daily contact with the mass of our subjects, and could communicate important information as to the practical effects of the measures of government on the general prosperity of the community. To the indigo manufacturer, the precise operation of our revenue system on the general condition of the ryot and zamindar must be perfectly familiar. Did there exist liberty of discussion in India, these individuals would be eager to communicate their information to the public: animadverting with fairness on the conduct of the government, they would point out the errors in its internal policy, and would perform important service to it, by expressing the opinion of its subject on the general propriety of its measures. It is thus that the agency of the press would compensate for the want of those political contrivances for expressing public opinion, which render the task of government so difficult in India. If an alarming discontent existed in a province, in all probability some individual would step forward to communicate this information to the public. Apprised of its danger, the government would feel the necessity of a change of conduct. The gradual but sure warning of the press would enable it to do this without precipitation—without any violent shock to its dignity, or compromise of its interests. In this manner, a formidable mass of disaffection, which was arraying itself against the supreme power, would be altogether dissipated by the salutary operation of the press. It is the want of this noble instrument for expressing public opinion which accounts for the singular phenomena that accompany popular insurrection in British India. The growing storm of discontent which impels the mass of its society against their rulers, is preceded by no warning—the same profound calm appears on the surface. Altogether unexpected, the tempest bursts forth with a violence which threatens to subvert the stately fabric of our empire. It is well known, that, during the administration of Lord Hailey, there have been two alarming popular insurrections; the peculiar nature of which has been altogether overlooked in the more brilliant events of his career. One broke out at Bareilly in Rohilcund in the year 1816, the ostensible cause of which was the collection of a trifling house-tax for the purpose of maintaining an efficient police establishment. Other causes are said to have co-operated—the disgust and disappointment which the landholders experienced in not receiving a permanent settlement of their revenue, which they were, in some degree, led to expect. 2dly, An over-assessment in the triennial settlement which was made in these provinces. These may be the true causes, or not, I shall not pretend to say; but let us mark the facts of this insurrection. Thirty thousand men, from various parts of a district, at least 100 miles in length, assembled on a given day, and attacked the military force, without the slightest intimation being given, to the civil authority, of this formidable combination against its power. The knowledge of the danger burst upon it like an earthquake; fortunately the valour and fidelity of the military force repelled the danger, after a sanguinary contest. This daring attack upon its authority ought to convince the supreme power, that some medium of communication is wanted between it and its subjects. In the present state of political society in India, this can only be effected by European agency, and in a very imperfect manner by means of the press. In the year 1817, an alarming rebellion broke out in the province of Cuttack, which raged in this province for nearly two years; order was only restored by the superiority of our military force. The existing causes are said to have been—over-assessment in the triennial settlement of lands, which compelled the government to sell the estates of ancient landholders for arrears of revenue, and thus disposed their minds to rebellion—the personal corruption of the European judge and magistrate

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of the province, which necessarily led to the most grievous exactions on the part of his native officers—injurious regulations in the sale of salt monopolized by government. These powerful stimulants of disorder produced an alarming eruption of popular discontent, which was altogether unexpected by the civil rulers of this province. The practical politician will here say, do you seriously suppose that the liberty of the press would have prevented these insurrections? In reply, it can only be said, that, in all probability, it would not; but that it affords a likely means of doing so, by the rapid information it conveys of the first symptoms of discontent; and that we are bound to use all human contrivances to avert such a calamity. In these provinces, Rohilcond and Cutchak, there existed in each 20 or 40 intelligent Europeans, altogether unconnected with its civil administration. Under a free spirit of discussion, if any notorious mal-administration prevailed, it would be surprising if some public-spirited individual did not stand forward to expose it. The judge and magistrate of the district of Cutchak had been formally accused of corruption, and this appeared so far substantiated by evidence, that the supreme power appointed a civil commission to investigate the whole of his conduct. This individual declined appearing before the tribunal, and embarked for Europe. The pretext which he assigned was, that, when it was known that government had determined to prosecute him, the fear of its displeasure would deter his witnesses from coming forward in his defence, and that thus the investigation would terminate in his ruin. There being no possibility of obtaining a fair trial, a proceeding like this astonished the community. Is there no law compelling the civil servants of government to stand an investigation? If not, the executive branch of a government must be lamentably weak which cannot thoroughly sift and punish the malversations of its servants. The same imbecility is not exhibited in the other branches of the service; peculation and corruption is promptly punished. But, setting aside the tremendous evil of insurrection, important advantages would result from an increased liberty of discussion, if applied to the ordinary course of our civil government. Thus, there are many civil servants who would be disposed to discuss the merits of the laws enacted by the supreme power; but there exists no opportunity of doing this under the present system, when this is altogether prohibited. There are many judges who might be disposed to controvert the decisions of the courts of appeal and circuit; but there exists no safe channel for doing so under the present restrictions upon the press. When we reflect that a single individual exercises civil rule over a million of people, with scarcely any check upon his authority, it must be obvious that he may unintentionally give many erroneous decisions, or issue orders extremely detrimental to the public welfare. Would it not be desirable, that a calm, but earnest exposition of his errors, should be laid before the public? In what other way can government learn the character of its servants, whether their administration has proved beneficial or otherwise. This freedom of discussion would operate as a wholesome check upon the whole body of the magistracy; but this is altogether precluded under the shackles which are imposed upon the press. It may be urged, that all the advantages contended for are gained by the reports of the public functionaries of government;—that the defects of existing laws are quickly perceived, and instantly remedied by those practically concerned in their execution;—and that the peculiar opportunities which its servants possess enable the government to collect a vast body of information which individuals cannot obtain. It must be admitted that very valuable information is collected in this manner; but it is only in emergencies—an insurrection, or alarming defalcation of the revenues—that its agents are called upon to report; and even then the bulk of this knowledge is lost to the great body of its servants, or the public at large. These reports are never published. When government have once availed themselves of the information which they contain, they are thrown aside for ever. Independent of this, there are many circumstances which combine to render these reports less beneficial than might be expected;—the forms of office—deference to superiors—an unwillingness to speak unpalatable truths—to expose the errors of the government—have all a tendency to bias the judgment, and to render these official documents as unfair pictures of the state of the country. Surely it would be of advantage to obtain the opinions of other men altogether unconnected with the civil administration. Their statements might be full of errors; but, placed in circumstances altogether different, they could not fail to obtain a variety of information, which the exalted station of its public functionaries precluded them from obtaining. In this respect, these communications would perform the same service as the Opposition does at home, by exposing the errors of administration, and enabling the executive to rectify its conduct. No check of this nature has ever existed in India. The insurrections which occurred during Lord Hastings' administration, never elicited a single remark, in the public journals, as to the causes which produced them. Is it fit that this unnatural state of things should endure—that, witnessing a cruel spectacle of misgovernment, no one should be at liberty to exercise the power of alleviating human suffering, by apprising the supreme authority of the unintentional errors of its administration? There can be no situation more humiliating than this, where the benevolent intentions of individuals are altogether counteracted by the mistaken policy of the government. It may be useful to consider more particularly what objections

may be urged against the exercise of the liberty of the press in India. It may be said that the dignity of the head of the state would be lowered by personal attacks upon his character;—that the energy of the executive would be crippled by animadverting upon its conduct. This is not likely to be the case. If any false accusation was preferred against the governor-general, the conviction that an enlightened public would decide with justice upon its truth, might safely enable him to despise it, or the press might be employed to refute it; and, lastly, the law might be called on to punish it. If the charge was founded on truth, it is but just that he should suffer in public opinion, and that he should be compelled to pay deference to it; but, at the same time, it should be recollected that this moral degradation must ensue, whether there exists a press or not. It is impossible to conceal the personal actions of a ruler from the searching inquiry of a public so enlightened as that of India. What probability is there of the energetic vigour of the executive being impaired by this liberty of discussion? Where the general principle of obedience is so thoroughly impressed on the mind of every public functionary, although opposed in principle to the measures of the executive, is it at all likely that this difference in opinion should impel him to disobedience? Does not the example of England teach us, that generals, admirals, ambassadors, are employed with advantage in the service of their country, whose political principles are entirely opposite to those of the ministers of the day? But who is it among its servants that is likely to oppose the supreme power? Influencing their hopes and fears by its immense patronage, it must exhibit a rare disinterestedness in the person who evinces his superiority to all selfish motives, by exposing its errors. In India, as elsewhere, it is far more profitable to laud the existing system. Where the prospect of rising to wealth and distinction—the cherished hope of revisiting their native land, principally depends upon the favour of the ruling authority,—it is in vain to contend that the machinery of government will be encumbered by the resistance of its servants. In such a state of society, some powerful stimulus would seem requisite to encourage an individual to sacrifice his private interests to those of the community at large. There still exists another class, from whom danger might be apprehended by removing the present restrictions on the press. It may be urged that the country-born or Eurasian population would embrace the opportunity to embarrass the government, by urging their claims to that rank and office from which they are excluded at present;—that they would demand, as a matter of right, that they should be admitted into the civil and military service on the same footing as persons born in Europe. This is very likely to be the case; but there exists no reasonable ground of alarm on this score; because, if there is any apprehension of danger, the operation of the press will be found beneficial in apprising the executive of this hostility. Thus warned, it may either concede these claims, or adopt such other course as it may deem expedient. The only real grievances of which this class can complain, are,—1st, their ineligibility to hold commissions in his majesty's, or the company's service,—2d, their exclusion from the privilege of sitting as jurors in the civil courts of law,—3d, their being deprived of the benefit of British law without the jurisdiction of Calcutta, being then subject to those laws which the government has enacted for the regulation of its native population. These disqualifications ought to be founded on just and reasonable grounds, and their consideration must be left to the British legislature. The apprehension of danger to our empire, from the hostility of this class, is altogether, chimerical. How can it exist from a body so insignificant in numbers without power and influence over the native population, and possessing no command over the military force,—the only efficient power in India in the existing state of society. Independent of this, their interests are closely identified with the British power, from their possessing almost all the subordinate situations in the public offices; and their estimation amongst the natives principally depending upon that connexion. Were this government overthrown by Asiatics, they would share its fate. Descended from a superior race, possessing a thorough contempt for the natives, and imbued with European habits and feelings, coupled with the paucity of their number, they would cling to the present state.

Having considered the objections which may be urged against the exercise of the press in India, it must strike every one that the evils which are likely to arise from its injudicious exercise are altogether trifling, when compared with the benefit which will result from its salutary influence. Where so noble a field is presented for its exercise, embracing the interests of millions, there can be no more animating object to stimulate the labours of the intellectual portion of the community; and it is this disinterested exercise of their faculties, in improving the state of political society in India, which will stave to humanity for the evils of our career. But this extensive sphere of utility is prodigiously narrowed by the present restrictions on the press, and this without any increase of strength or influence, to the supreme power. Surely there can be no danger to its authority. A government like this, commanding the services of numerous armies, an enlightened body of public functionaries, and the confidence of the wealthier part of its native population, may safely despise malignant scribblers; and will encounter no hazard by calmly listening to those whose only wish is to strengthen it by communicating information as to the real interests of its subjects.

The state of public opinion in India, in regard to European politics, must excite some curiosity. And it will strike the reader with surprise to be told, that, of six weekly newspapers which were published in Calcutta 1819-20, only two espoused the principles of the existing administration in England; the rest advocated the opinions of the opposition—not their party views—but the general principles of civil and religious liberty which characterize that body. Generally speaking, political discussion is conducted with much less warmth and animosity than in England. There does not exist that strong personal interest which animates the combatants in Europe. And it is much better that it should be so: uninfluenced by their passions, men are enabled to exercise a calm and unbiassed judgment upon the conduct of the rival parties which contend for the government of England—and to review their actions in the true spirit of history. The character of Indian society has been reproached with its apathy and indifference to English politics, but without any sufficient reason. The immense distance from the scene of action, and the weaker sense of personal interest, appear to me to explain this phenomenon, without supposing any peculiar distaste to the subject. If the state of the press can be considered as a fair index of public opinion, this would serve to show that the principles of opposition are popular in British India.

Patent Sympiesometer.

DESCRIPTION OF THE PATENT SYMPIESOMETER, OR NEW AIR BAROMETER, BY ALEXANDER ADIE, F. R. S.

My attention was first directed to the improvement of the Barometer, with the view of rendering it susceptible of indicating any of those minute changes in the weight of the atmosphere, which might be supposed to arise from the action of the Sun and Moon. A very sensible instrument was obviously necessary for such a purpose; and I was therefore led to the idea of measuring the pressure of the atmosphere by its effect in compressing a column of common air. Upon constructing an instrument of this kind*, however, I found that the air was absorbed by the fluid with which it was inclosed, and that a good and permanent barometer could not be made upon such a principle, till this radical defect was removed. I therefore directed my attention particularly to this object, and succeeded beyond my most sanguine expectation, in freeing the Air Barometer from this great source of inaccuracy.

The name of *Sympiesometer* which I have given to this improved instrument, is derived from the Greek words *συμπιεζω* to compress, and *μετρον* a measure, denoting the property it possesses of measuring the weight of the atmosphere by the compression of a gaseous column.

The principle of the *Sympiesometer* consists in employing an elastic fluid or gas, different from air, and any liquid, excepting quicksilver, which neither acts upon the gas which it confines, nor is perceptibly acted upon by the air, to the contact of which it is in some measure exposed. Hydrogen gas, azotic gas, or any of the gases not liable to be absorbed by the inclosing fluid, may be used; but I prefer hydrogen gas as superior to any other that I have tried. The liquid which answers best is an unctuous oil, or a mixture of unctuous and volatile oils. I consider almond oil†, coloured with saffron root, as the most eligible.

The *Sympiesometer* consists of a tube of glass, of about 18 inches long, terminated above by a bulb, filled with hydrogen gas, and having the lower extremity bent upward, and expanding into an oval cistern open at top, containing a quantity of almond oil.

The inclosed gas with which the bulb and upper part of the tube is filled, changes its bulk, or occupies more or less space, according to the pressure of the atmosphere upon the surface of the oil in the cistern. The scale for measuring the change in the bulk of the gas, occasioned by a change of pressure, is formed experimentally, by placing the instrument in an air-tight glass-case, along with an accurate barometer and thermometer.

The glass-case is furnished with a condensing and exhausting syringe by which any density may be given to the inclosed gas, so as to support a column of quicksilver in the barometer of 28, 29, 30, or any other required number of inches. The height of the oil in the tube of the

* When I constructed this instrument, I was not aware that Dr. Hooke had employed the compression of a column of air to measure the weight of the atmosphere. The *Sympiesometer*, however, will be found to have no resemblance to his instrument but in this particular.

† Some of the instruments that were first made, were filled with an oil sold in the shops as almond oil, but which is really a mixture of almond oil with the oil of different kinds of nuts. This oil soon turns rancid, loses its colour, and has been very injurious to the *Sympiesometers* filled with it. I found great difficulty in discovering the cause of the above alterations, as few of the druggists knew of the circumstance. I always change this oil when any of the instruments filled with it come again into my possession.

Sympiesometer corresponding to these points being marked on its scale, and the spaces between being divided into fifty parts, these parts correspond with two hundredths of an inch, on the scale of the mercurial barometer; and as the half of one of these parts can be easily seen, the height may always be observed to the hundredth part of an inch.

As the bulk of the gas is altered by any change that takes place in the temperature of the atmosphere, it is necessary to apply a correction on this account. For this purpose the principal or barometric scale, is made to slide upon another scale placed either below it or on one side of it, which is divided into degrees and tenth parts, so as to represent the change of bulk in the gas produced by a change of temperature under the same pressure, and corresponding to the degrees of a common Thermometer attached to the instrument, the scale of which is also divided into degrees and tenth parts of a degree.

This scale is constructed in the same manner as the scale of a common thermometer, by changing the temperature of the bulb while the pressure is the same, and noting the range of the oil occasioned by it.

When the *Sympiesometer* is hung up for observation, the cistern must be opened, by taking out the cork, or pushing up the small slider at its mouth, the only use of either being to prevent the loss of the oil in the cistern, when the instrument is carried horizontally. If any of the oil at the top of the column should be separated, which sometimes happens in carriage, hang it up for a few minutes to drain, then turn it into a horizontal position, so that the oil may run quickly up, until the separated portion of it disappear, when it must be turned slowly upright. This operation may be repeated, if found to be necessary, to join all the oil.

In cases where the oil has been very much separated from the tube, or from placing the box with the head of the *Sympiesometer* downwards, the joining of the column may be more readily accomplished, by unscrewing the tube from its scale, and heating the bulb very slowly with the hand, or holding it at a distance from a fire. The flame of a candle should not be used for this purpose, as its sudden action is liable to expel the gas, and destroy the instrument. By heating the bulb slowly, the oil may be made to descend, until the lowest portion of the gas is near to the turn at the bottom of the tube, taking care not to drive any of the gas into the cistern. The tube may now be turned, first into a position nearly horizontal, then altogether inverted if necessary, and the bulb suddenly cooled in ice or water, to make the oil run quickly towards it; but none of the oil should be allowed to enter the bulb. It is evident, that the success of this operation depends, first, on the slow descent of the oil by heat, so as to leave the tube as free as possible from a coating of oil; and secondly, on the rapid motion of the oil towards the bulb, by cooling the gas, which leaves a very thick coating of the oil in the tube, which commonly exhausts the uppermost division of the oil, and joins that of the gas. Although the common air enters the tube at the cistern in the above operation of turning it upside down, it is of no consequence, provided there be always two or three inches of oil between the gas and it, as at last it is only necessary to heat the bulb until the common air be expelled, and allow it to cool upright.

MANNER OF USING THE INSTRUMENT.

Observe the temperature by the thermometer, and set the index or flower-de-luce, which, in the common or marine *Sympiesometer*, is at 29½ inches, upon the sliding scale, opposite to the degree of temperature upon the fixed scale; and then the height of the oil, as indicated on the sliding scale, will be the pressure of the air required.

Suppose the temperature observed by the mercurial thermometer to be 52°.4, then slide the *Sympiesometer* scale until the flower-de-luce points to 52.4 on the fixed scale, at the right hand side, (on which it is to be observed, that the numbers read downwards,) and the top of the column of red fluid stands opposite to the second division above the third tenth higher than the number 30. The height of the barometer is then 30 inches 2 tenths and 4 hundredths of an inch, or 30.04 inches. The tenths are easily distinguished from the hundredth parts, by the lines being drawn longer. When the column of oil descends, bad weather may be expected; and when it rises, the weather will in general be fine.

In the portable *Sympiesometers* which I make for measuring heights, the scale is divided into parts corresponding to the increase in bulk which takes place in the gas by the diminished pressure of the atmosphere on ascending a given height, the temperature being 32° of Fahrenheit. This scale is also formed by experiment, as follows: The instrument being placed in the glass-case as before described, increase the density of the inclosed air until it support a column of quicksilver of 31 inches, the temperature being 32°. Mark this point zero; then from the logarithm of 31 subtract .0100, and find the corresponding number, which is 30.294; regulate the density of the air to support a column of quicksilver of this length; number this point on the scale 100, and divide the space into 100 parts; each part will equal the increase of bulk or fall of the oil in the tube by ascending one fathom. In the above manner proceed, by subtracting .0100 from

the logarithm last found, and marking the points corresponding to these densities, until the whole is complete. This scale is next to the Sympiesometer tube; the other line of divisions to the right is inches and hundredths of an inch, to show the state of the barometer.

By the above fathom-scale, the approximate height will be given, without the aid of a table of logarithms, by subtracting the number of fathoms indicated by the Sympiesometer at the under station from that indicated at the upper station, the difference being the number of fathoms which the one station is above the other.

In ascertaining the height of one place above another, by the portable Sympiesometer, it should be always placed in the shade, as the observation is frequently deranged by the direct influence of the sun; and let it be suspended by the ring at the top. The most convenient way to do this, is to have a walking stick, which may be pushed into the ground, or otherwise supported, with a small hook at its head, to hang the instrument upon. The cistern should now be opened by pushing up the pin that raises the stopper, and the instrument should be allowed to remain four or five minutes before the observation is made, that it may acquire the temperature of the surrounding air: Then set the index, which is on the narrow part at the top, of the sliding scale, to the same degree as the temperature indicated by the thermometer, and note the number on the fathom-scale, corresponding with the top of the column of oil in the sympiesometer tube, which completes the first observation. Before taking down the instrument, push down the stopper, to prevent the escape of the oil from the cistern.

As an example may be useful to those who have not been accustomed to measure heights by the Barometer, observations made to ascertain the height of Arthur's Seat, from its base at the Duke's Walk, are subjoined.

	Fathoms.
The Sympiesometer at the top of the hill stood at.....	244
Ditto at the Duke's Walk.....	134

Subtracted from the former leaves for the height..... 110
which would have been the correct height, if the temperature of the air had been 32°.

The following is the method of finding the necessary correction for the difference of temperature:

	Degs.
Temperature at the foot of the hill.....	53
Ditto at the top.....	48
	<hr/> 21 100

Mean temperature of the two observations.....	50
Subtract.....	32

Difference between mean temperature and 32°..... 18

this multiplied by .00245 gives the whole length of a column of air previously of one fathom in altitude, and of the temperature of 32°, equal to 1.04410 fathoms, at the temperature of 50°. .00245 being the quantity that a column of air of the temperature of 32°, and of one fathom in altitude, is expanded by an increase of one degree of temperature; which last number, multiplied by 110, the number of fathoms before found, gives the corrected height, 114.55 fathoms; differing from the true height, as ascertained by my friend Mr. Jardine with the utmost accuracy, only .68 hundredths of a fathom, the true height being 114.17 fathoms.

Or the above correction may be found in the following way. As the mean expansion of air at the ordinary temperature is equal to the 435th part of its bulk for one degree of heat, divide 110, the number of fathoms given as the approximate height, by 435; the number found will be the expansion of the whole column of air by an increase of one degree of temperature, which, in this case, will be 0.2528; and this number, multiplied by 18°, the number of degrees that the mean temperature of observation was above 32°, gives 4.55 fathoms to be added to the approximate height, which makes the height of Arthur's Seat from the Duke's Walk 114.55 fathoms, differing from the true height only 38 hundredths of a fathom.

One great advantage that the Sympiesometer possesses over the Barometer, is its convenient size, which allows it to be carried in the pocket. From this, as well as from the lightness of the fluid which it contains, it is much less liable to the accidents which so often happen to barometers. The case also with which it can be observed is so great, that observations may even be made in a carriage while travelling, without the necessity of stopping; thus rendering it a valuable instrument to the geologist or traveller.

Previous to laying this instrument before the public, I wished to have it submitted to a fair trial, by comparing it with observations made in the same ship with the Marine Barometer. For this purpose Quintin Leitch, Esq. of Greenock, the proprietor of the ship BUCKINGHAMSHIRE, obligingly sent one of the first which I had made with this ship on her

voyage from the CLYDE to the East Indies, in the year 1816; and the following is the report given of the instrument by the late Captain Christian, the commander, on his return.

"I am glad to say that I consider your Barometer a valuable instrument at sea, having given it a fair trial on the outward passage to India, by keeping a correct register of it, as well as of the common Marine Barometer, taken every third hour, night and day, during the passage; and I not only found that it was fully as sensible of the changes of the atmosphere as the other barometer, but that it had a great advantage over all barometers I have ever seen used at sea, namely, that of not being in the smallest degree affected by the motion of the ship, which will often make the quicksilver in the common tube plunge, or rise and fall, in such a degree as to make it very difficult to come within at least one or two tenths of an inch of the truth, even in the largest ships. On the passage home I also found it very correct in the indication of the winds and weather."

An opportunity of trying the Sympiesometer in a very different climate occurred in the year 1818, when the Expedition under Captain Ross sailed to the Arctic Regions. Lieutenant Robertson of the *Isabella* kindly undertook the charge of this instrument, and regular observations were made every four hours with the Sympiesometer and Marine Barometer, the results of which were highly satisfactory. The observations commenced on the 24th of April, in North Latitude 51° 30', and Longitude 1° 7' E; and were continued to the latitude of 78° 50' N. and during the return of the Expedition to Deptford till the 13th of November. These observations, in the form of a graphical representation of the progress of the Sympiesometer and Marine Barometer, have been published in Captain Ross's Account of the Expedition, and will enable navigators to form a correct estimate of the relative value of the two instruments.

The following is Captain Ross's official report upon the Sympiesometer:

"This instrument acts as a marine barometer, and is certainly not inferior in its powers. It has also the advantages of not being affected by the ship's motion, and of taking up very little room in the cabin. I am of opinion that the instrument will supersede the Marine Barometer, when it is better known."

Lieutenant Robertson, in a letter to the Honourable Captain Napier of Merchiston, has spoken of it in the following manner:

"The Sympiesometer is a most excellent instrument, and shows the weather far better than the Marine Barometer. In short, the barometer is of no use compared to it. If it has any fault, it is that of being too sensible of small changes, which might frighten a reef in when there was no occasion for it; but take it altogether, in my opinion it surpasses the mercurial barometer as much as the barometer is superior to having none at all."

In a letter to the inventor he farther states: "From my own observations I found that the Sympiesometer was, almost without exception, sooner affected by a change of weather than the common Marine Barometer, the latter frequently giving no intimation, and only beginning to rise or fall when the change had taken place for some time."

"A sudden fall of the Sympiesometer generally indicated a breeze of wind, which came to blow from two to four hours after the fall. When the breeze came to its height the Sympiesometer rose again, though it might continue to blow for some hours after. At the approach of snow, fog or rain, without wind, its fall was more gradual, and while amongst ice, where we had little wind, its rising and falling was a certain indication of clear or thick weather. Having attentively compared the changes of weather with the rising and falling of the weather-glass, I decidedly give the preference to the Sympiesometer; its convenience for a ship is obvious, as it can be placed any where without risk of breaking."

I have also had it in my power to make trial of the Sympiesometer on coasting voyages, through the favour of my friend Mr. Stevenson, Engineer to the Scots Lighthouse Board, who placed one of them in the cabin of the Lighthouse Yacht, beside a good Marine Barometer. Along with a register of both instruments, extracted from the ship's log-book, he has favoured me with a communication, which states, that, "after an experience of two years, the Sympiesometer affords the most delicate and correct indications of the weather;" and that "it is a great favourite on board, being commodious even for the smallest cabin, and at the same time easily read off."

"The master, mate, and steward of the Lighthouse Yacht, (Mr. Stevenson adds), give such accounts of the utility and convenience of the Sympiesometer, as are well calculated to recommend it to the attention of those sailing in vessels of the smallest burden. It is now in use in the service of the Commissioners of the Northern Lights, on board the Lighthouse Yacht of 80 tons register, and the *Pharos*, or *Ball Rock TENDER*, of 45 tons."

The following extract of a letter from Captain Dalling of his Majesty's ship *Nimrod*, on the Leith station, to Henry Jardine, Esq. Edinburgh, contains an additional testimony to the utility of the Sympiesometer, and its superiority over the Mercorial Barometer: "During Sunday the 15th (November 1815), we had fine clear weather, wind from the north and west; Sympiesometer on the rise, and at midnight it stood at 29.72. The wind soon after hauled to the southward, the weather became unsettled, and at 8 A. M. on the 16th I found the instrument 29.42. The weather not threatening much, sent a boat on shore. At noon it fell to 29.33, being nearly .30 in four hours. The wind freshened up; we got the boat off with difficulty; 10 minutes more, and she must have staid on the beach: By half past 12 it was a perfect gale of wind at west. At 5 in the afternoon the Sympiesometer began gradually to rise, being 29.29; the Barometer perfectly stationary: at midnight it (the Sympiesometer) was 29.40; at 4 in the morning of the 17th, 29.50. The Barometer did not begin to rise till midnight; the Sympiesometer had therefore 4 hours start. The gale abated at 2 in the morning, and at 8 in the morning we had most beautiful weather; Sympiesometer 29.63.

"This I think a very pleasing and satisfactory example of the quickness and truth of the instrument. It began to rise upwards of 9 hours before the gale abated, and had 4 hours start of my barometer."

The following letter is from the Honourable Captain Duncan:

H. M. S. *Liffey*, *Spithhead*, August 27, 1826.

"Having repeatedly tried your Sympiesometer since I purchased it when the *Liffey* was at Leith, in September last, I think it fair to let you know that it is impossible any thing could have answered better. It is, in my opinion, much superior to the barometer, and is decidedly much quicker in denoting the changes of weather. I had one very striking instance of this fact last month, when beating from the Downs to Spithead. We were off the River's Light vessel, at 5 P. M.; the weather was fine and every appearance of continuing so. About half-past 8 the Sympiesometer fell, and soon after the night became cloudy; we double-reefed our top-sails, and at 11 it blew very fresh, and continued so with squalls and rain. The Barometer did not fall till past 2 in the morning."

Stanzas for the King's Landing.

The eagle screams upon Benmore.

The wild deer bounds on Cheviot fell;

Step boldly, King, on Albion's shore,

Son of her Lord's she greets thee well.

The voice that hath been silent long,

Awakes to harbinging thy path;

Once more she weaves the ancestral song,

Once more 'is "RION GU BRATH."

From grey Dun Edin's castle crest,

Float, float, thou Royal Banner wide,

Gleam, gleam more radiant than the rest,

Dear emblem of old Albion's pride;

Glow, ruddy lion, as of yore

It was thy wont, on fields of wrath,

To brighten 'midst the kindling roar

Of Canmore's "RION GU BRATH."

Beam, beam, as when our hero's cry

Dissolved thy slumber of despair,

And raised thee, sunlike, from our sky

The cloud of slavery to sever.

Aye—as from out the dark Torwood

The stranger saw thy blazon shine,

When Wallace steeped the folds in blood,

And flung them from the pine.

High sign! as when the coming galley

Of Bruce displayed thee o'er the prow,

And on indignant hill and valley,

Roused Carrick spear and Arran bow.

Beam now;—or as when calm and stern,

He fixed thee in yon sacred stone,

Unslung the mace for Banackburn,

And bade the trump be blown.

No! sacred symbol, float as free—

As bright be thy majestic glance,—

But gentle all thy splendor be;

No terror tinge the cognizance!

Beam softly, star of chivalry,

As when proved Windsor's exile came,

To bless, on Scottish tower and tree,

The welcome of thy flame.

Or beam (but bar each worse omen),

As when the lilled bark drew nigh,

And courteous knights and stalwart yeomen

Kneelt here—even here,—"neath Mary's eye.

The feral rage, the restless gloom,
That quenched the day of that fair morn,
Lie chained together in the tomb
Of unrelenting scorn.

Another dawn, I scarce may name,
Saw thee, for princely greeting, glow;
In evil hour a wanderer came,
For once, thou wert the sign of woe:
Yet then, even then, there was no shame
To stamp the stain of tears and blood;
And generous memory mourns to blame
The errors of the good.

Float fairly from Dun Edin's brow,
Primeval pennon of his Fathers—
Nor tears nor blood shall stain thee now,—
No gloom around thy blazon gathers,
From Saxon firm and fiery Gael,
From moor and mart, from cot and hall,
One voice—one heart—goes forth, to hail
The King—the Sire of All!

Though with the Scottish stream be met
The blood of Kings that were not mine,
Though D'Este and Plantagenet
Have blended with the Bruce's line,
The spirit of departed time
Is in the song that meets thy path,
And lifts once more in Albion's clime
The shouts of "RION GU BRATH."

The crown that circled Bruce's helm,
Once more the Douglas' hand shall raise;
The sword that rescued Bruce's realm
Be guarded by the De la Hayes.
The children of the north and yew
Come harnessed down from glen and strath,
Plant o'er their crests the White and Blue,
And swell the "RION GU BRATH."

Bonnie Mary Halliday.

[From "Traditional Tales of the English and Scottish Peasantry, by Allan Cunningham"—just published.]

Bonnie Mary Halliday,

Turn again, I call you;

If you go to the dewy wood,

Sorrow will befall you;

The ringdove from the dewy wood

Is wailing sore and calling.

And Annan-water, 'twixt its banks,

Is fuming far and falling.

Gentle Mary Halliday,

Come, my bonnie lady;

Upon the river's woody bank

My steed is saddled ready;

And for thy haughty kinsmen's threats,

My faith shall never falter;

The bridal banquet's ready-made,

The priest is at the altar.

Gentle Mary Halliday,

The towers of merry Preston

Have bridal candles gleaming bright,

So bask thee, love, and hasten:

Come, bask thee, love, and bowne thee

Through Tinwald and green Mourwal;

Come, be the grace and be the charm

To the proud towers of Machusel.

Bonnie Mary Halliday,

Turn again, I tell you:

For wit, an' grace, an' loveliness,

What maidens may excel you?

Though Annan has its beauteous dames,

And Carris many a fair one,

We cannot want thee from our sight,

Thou lovely and thou rare one.

Bonnie Mary Halliday,

When the cittern's sounding,

We'll miss thy lissome, lily foot,

Among the blithe lads bounding;

The summer sun shall freeze our voice,

The winter moon shall warm us,

Ere the like of thee shall come again

To cheer us and to charm us.

ASIATIC DEPARTMENT.

— 317 —

On Duelling.

To the Editor of the Journal.

SIR,

Since the publication of the Dialogue on Duelling,* which you were pleased to notice so favourably, several cases have occurred affording opposite illustrations of the doctrines maintained in it. But it is my present purpose to restrict myself to a consideration of the view taken of the single case of Sir A. Boswell and Mr. Stewart, by the counsel for the prisoner and the Judge who presided at the trial. We have already seen how inapplicable the existing law is to this particular offence, and that the few instances in which it has been executed have verified the maxim, *summa jus, summa injuria*. We have seen that reason and justice were violated in proportion to the fidelity and soundness with which the law was expounded; but between the acknowledgment of these incongruities and an unequalled justification of Duelling, there is a wide interval; and perhaps it is a still more revolting and humiliating spectacle, to witness in a Court of Justice, a bold defiance and scoffing sacrifice of legal prohibitions at the shrine of honour. Those prohibitions are founded in the principles of immutable justice, and strictly consonant to the duties which man owes to his creator; and it is not because duelling is susceptible of vindication or apology that their reasonableness can be questioned, but because the accusers and judges are equally guilty with the accused, and have no right to inflict death on him for doing that for abstaining from which they would have visited him with the slow torments of a living death, a consciousness of being the object of universal scorn and reproach. This is not to excuse duelling but to pass a just condemnation on all men; as it would not be a denial of the sin of adultery to say that a nation who held it in honour would have no right occasionally to select a victim to be stoned to death. Let those who would administer so severe a law first acquit themselves of participating in the crime which it denounces: but the Edinburgh lawyers neither assert their qualifications for such a function, nor condemn and lament the general infatuation, but justify it as a rational and necessary repeal of a portion of the clearest law of God, thereby throwing new stumbling blocks in way of an erring generation, and accumulating additional reproach on their heads.

The LORD ADVOCATE, (Sir W. Rae,) who was counsel for the crown, contented himself with a dry and succinct statement of the law of the case. "The charge of murder had been proved by the noble Lord and the Honorable Mr. Douglas. This is a fact which cannot be denied. His duty called on him to say that the crime of murder had been thus proved; and the next question was, what defence had been set up in behalf of the prisoner? The law knew of no other ground of exculpation, unless a justification, founded on self-defence. But there are no such circumstances as to warrant this argument in the present case." Let it be observed that this very Lord Advocate had been engaged in a duelling correspondence with the same Mr. Stewart, and that it was carried within a hairs-breadth of placing himself in the possible predicament of being arraigned for the "murder" of Mr. Stewart.

Mr. COCKBURN, counsel for the prisoner, said, "What was, what could Mr. Stewart do after this? Was he to submit quietly? Was he not to speak? Was he to huddle up these papers and go about the world with his diminished head marked with the word coward on his brow? No—he did what, with the exception of the Bench, there is not a man in the kingdom who would not have done." If every man, including Barristers who expected to become Judges, would, and as Mr. Cockburn seems to argue, ought to have acted in the same manner, then the abhorrence of the Judge can only be technical and official, not moral and personal; a fact which is expressly admitted in the following passage. "That is, a Supreme Criminal Judge (Lord Meadowbank) prepared Sir Alexander Boswell for the meeting, by furnishing him with an opinion which admitted the propriety of acting so

in his circumstances. If any man imagines that I state this to the disparagement of that excellent judge he is mistaken; I say it to his honour, and I hope it is not disrespectful for me hypothetically to state a doubt if any other judge in the country would have acted otherwise." When the theory and practice of the law are thus solemnly divorced; when the former is formally exploded as "barbarous and antiquated;" when the Haruspices laugh out in the performance of their customary rites; it is high time that the Legislature should interpose for the reform of one or the other, for either the law or its administration is disgraceful to the Legislature which sanctions it.

Mr. JEFFREY said: "They had been told in general and comprehensive terms that a duel for any cause is an irrational, barbarous, and pernicious practice, and that he who takes it upon him to send or accept of a challenge for any cause, is guilty of murder. He did not mean absolutely to offer any apology for the practice in question. It is known by those who are versed in history, that it has superseded the practice of private assassination, and that we are not only indebted to it for the polish which it has given to the upper society of the community, but also for that courage and intrepidity, and diffusion of fairness, and handsomeness of demeanour which distinguish civilized nations. However irrational and immoral it may seem, it is a practice so established and enforced by custom, as to render it frequently inevitable; and such being the case, no individual man is responsible for the justice of the institution." It is easier for Mr. JEFFREY to say that all these things are known by those who are versed in history, than to prove them by an induction of historical facts. For my part I reject every one of them as erroneous and unfounded. In what country did private assassination ever prevail under circumstances of persons and motives similar to those which obtain in cases of duels? Was private assassination ever resorted to by an equal, moving in the same sphere of life, and not thwarted in some important object of public or private interest? It may be said on the contrary, that while the circumstances productive of assassinations have never been the causes of duels, those efforts which are the proper objects of duels have sometimes led to assassinations. Thus the affront of losing an eye by the thrust of a foil from one Turner a fencing master, provoked Lord Sanquhar to employ a countryman of his, Carliel, to assassinate Turner, which he did by shooting him with a pistol. On his trial, in 1812, Lord Sanquhar said: "the first motive of this fatal accident was (as it is well known) that Turner, playing with me at foils, now about seven years past, at my Lord Norris' house in Oxfordshire, put out one of my eyes, and that (as my soul and conscience was over-persuaded) willingly and of set purpose. After this loss of mine eye, and with it the great hazard of the loss of life, I must confess, I ever kept a grudge of my soul against him,* but had no purpose to take so high a revenge, yet in the course of my revenge I considered not my wrongs upon terms of Christianity, for then I should have sought for other satisfaction; but being trained up in the Courts of Princes and in arms, I stood upon the terms of honour, and thence befel this act of dishonour, whereby I have offended God; my Prince; my native country; this country; the party murdered; his wife; posterity; Carliel, now executed; and lastly my own soul." The assassin hired by the minions of Charles II. to attack Mr. Coventry may be quoted as another instance.† If Mr. JEFFREY, instead of tracing the practice to so foul a source as assassination, had derived it from the comparatively noble but superstitious fountain of the judicial combat, he would have been more correct in point of fact, and better consulted the interest of his argument as an apologist.

Are we indebted to duelling for that courage and intrepidity which distinguishes a civilized nation? This proposition is

* Sir W. Scott is mistaken in saying that he did not think of it, unless with regret, until some years after when he chanced to be in the French Court, and his blood was set on fire by a few words from Henry the Great, who, supposing the accident the consequence of a duel, immediately inquired, "Does the man yet?"—*Ministrey II. 307.*

* See CALCUTTA JOURNAL for July 17, 1822.

too monstrous to deserve refutation. *Vixere fortes ante Agamemnona.* Byng was a Duellist, Nelson was not.

As little are we indebted to it for those other concomitants of civilization, "a diffusion of fairness and handsomeness of demeanour." It is not one instance of unfairness out of a thousand that can come within the pincette of duelling; very often the unfairness is exclusively on the side of the challenger, and always the reparation sought is not for the injury itself, but for what the corrupt opinion of the world makes it. The unfairness and unhandsomeness with which Sir Alexander Boswell persecuted Mr. Stewart derived ALL their power to wound from that very "institution" which Mr. JEFFREY applauds as the parent of so many blessings; and as they were not prevented by respect to the law of honour, so they would have been prevented by respect to the law of God.

According to Mr. JEFFREY "no individual man is responsible for the justice of the institution." No man is exclusively responsible, but every man is responsible for his share of that concurrence of opinion by which alone it exists. The responsibility is indeed unequally divided; very little of it attaches to those who tread in the inferior and sequestered walks of life; none at all to those who rank still lower; but a serious burthen is clearly laid on those who occupy stations of influence and authority, and will assuredly be exacted. To whom much is given, of them much will be required.

Mr. JEFFREY "then proceeded to prove that several books of the strictest morality and religion have sanctioned it with their authority. Boswell, Dr. Johnson's biographer, states in several conversations which he held with the Doctor, that he considered duelling as a species of self-defence, or that it was justified on the same grounds as public war. His biographer also coincides with him in these sentiments. Another author of equal eminence and morality, not only a professor of morals but also a clergyman, trained in reverence of the precepts of religion, namely, the late Dr. ADAM FENOUSSON, in his *Principles of Morals*, comes to the same result. And a late distinguished philosopher and lawyer, and a judge, who had adorned the Court in which they were now assembled, Lord KAMES, in his *Sketches*, distinctly advocates the same opinion." Mr. JEFFREY has not correctly represented the opinions of Dr. Johnson, as will be seen presently; and in truth, the only effect of reference to such poor casuistry and palpable sophistry is to throw a stain on the memory of their authors.

The subject occurs three times in Boswell's life of Johnson. The first instance is as follows:—"I started the question, whether duelling was consistent with moral duty. The brave old General fired at this, and said, with a lofty air, 'Undoubtedly a man has a right to defend his honour.' GOLDSMITH, (turning to me,) 'I ask you first, Sir, what would you do if you were affronted?' I answered, I should think it necessary to fight." "Why, then, (replied Goldsmith,) that solves the question." JOHNSON, "No, Sir, it does not solve the question. It does not follow, that what a man would do is therefore right." I said, I wished to have it settled, whether duelling was contrary to the laws of Christianity. Johnson immediately entered on the subject, and treated it in a masterly manner; and so far as I have been able to recollect, his thoughts were these: "Sir, as men become in a high degree refined, various causes of offence arise; which are considered to be of such importance, that life must be staked to atone for them, though in reality they are not so. A body that has received a very fine polish may be easily hurt. Before men arrive at this artificial refinement, if one tells his neighbour—he lies, his neighbour tells him—he lies; if one gives his neighbour a blow, his neighbour gives him a blow; but in a state of highly polished society, an affront is held to be a serious injury. It must, therefore, be resented, or rather a duel must be fought upon it; as men have agreed to banish from their society one who puts up with an affront without

fighting a duel. Now, Sir it is never unlawful to fight in self-defence. He, then, who fights a duel, does not fight from passion against his antagonist, but out of self-defence; to avert the stigma of the world, and to prevent himself from being driven out of society. I could wish there was not that superfluity of refinement; but while such notions prevail, no doubt a man may lawfully fight a duel."

Let it be remembered, that this justification is applicable only to the person who receives an affront. All mankind must condemn the aggressor.

It is manifest, that this reasoning coincides exactly with the casuistry of the Jesuits, which I reprobated in my former communication. What is it, but saying that men may agree to banish from their society all who refuse to conform to a particular criminal practice, no matter what, and that an individual may "LAWFULLY" incur the Divine displeasure rather than forfeit the favour of his apostate fellows! The plea of constructive "self-defence" is as flimsy a sophism as any that ever was exposed and extinguished by the masculine powers of our great *English Moralists*, and they, are no friends to his fame, who do not account such colloquial aberrations from sound morality as temporary but indefensible anomalies in his character.

The following extract contains the second instance: "He this day again defended duelling, and put his argument upon what I have ever thought the most solid basis; that if public war be allowed to be consistent with morality, private war must be equally so. Indeed we may observe what strained arguments are used to reconcile war with the Christian religion. But, in my opinion, it is exceedingly clear that duelling having better reasons for its barbarous violence, is more justifiable than war in which thousands go forth without any cause of personal quarrel, and massacre each other." That is, if public war, not undertaken at the caprice of any individual, but literally in defence of liberty and property, be justifiable, then private war to avenge imaginary individual wrongs between members of the same community, in defiance of the laws of that community, must be equally so! This is what Mr. Boswell ever thought the most solid basis on which an apology for duelling could rest!

To the third instance there is a note appended (in the 7th edition) which supplies an antidote to the poison of the foregoing. The argument in the text is but a repetition of that used in the preceding extracts, but the circumstances connected with it are interesting as showing how long this subject has been unhappily associated with the name of Boswell. "Having next day gone to Mr. Burke's seat in the country, from whence I was recalled by an express, that a near relation of mine had killed his antagonist in a duel, and was himself dangerously wounded, I saw little of Dr. Johnson till Monday, April 28, when I spent a considerable part of the day with him, and introduced the subject, which then chiefly occupied my mind. JOHNSON, 'I do not see, Sir, that fighting is absolutely forbidden in Scripture: I see revenge forbidden, but not self-defence.' BOSWELL, 'The Quakers say it is; 'Unto him that smiteth thee on one cheek, offer him also the other.' JOHNSON, 'But stay, Sir; the text is meant only to have the effect of moderating passion; it is plain that we are not to take it in a literal sense. We see this from the context, where there are other recommendations, which I warrant you the Quaker will not take literally; as, for instance, 'From him that will borrow of thee, turn thou not away.' Let a man whose credit is bad, come to a Quaker, and say, 'Well, Sir, lend me a hundred pounds; he'll find him as unwilling as any other man.' No, Sir, a man may shoot the man who invades his character, as he may shoot him who attempts to break into his house.' So in 1745, my friend, Tom Canning the Quaker, said

* Dr. Johnson conducted his quarrel with Marpherson exactly on this plan, and yet without any detriment to the polish or substance of his honour and character.

* I think it necessary to caution my readers against concluding that in this or any other conversation of Dr. Johnson, they have his serious and deliberate opinion on the subject of duelling. In my Journal of a tour to the Hebrides, Edit. p. 388, it appears that he made this frank confession: "Nobody at times talks more luxuriously than I do;" and, *ibid.* p. 231, "He fairly owned he could not explain the rationality of duelling." We may therefore, infer, that he could not think that justifi-

he would not fight, but he would drive an ammunition cart; and we know that the Quakers have sent flannel waistcoats to our soldiers, to enable them to fight better." Boswell. "When a man is the aggressor, and by ill-usage forces on a duel in which he is killed, have we not little ground to hope that he is gone to a state of happiness?" Johnson. "Sir, we are not to judge determinately of the state in which a man leaves this life. He may in a moment have repented effectually, and it is possible may have been accepted of God. There is in 'Camden's Remains,' an epitaph upon a very wicked man, who was killed by a fall from his horse, in which he is supposed to say,

"Between the stirrup and the ground,
"I mercy ask'd, I mercy found."

We see, therefore, that it is unfair to represent Dr. Johnson or even his biographer, as deliberate apologists for Duelling.

I have not the means of consulting Dr. Adam Farnsworth's Principles of Morals; but there is no reason to suppose that the Reverend Apologist offers any thing which has not been urged by Dr. Johnson or Mr. Jeffrey.

In Lord Kames's Sketches, I find the following passages. "If two men bent to destroy each of them the other, meet armed, and one or both be slain, the act is highly criminal; it is murder in the strictest sense of the word." "A Duel which an affront forces a man upon for vindicating his honour when no satisfaction is offered, or no proper satisfaction, is very different. I cannot see that the person affronted is guilty of any crime; and if the person who gave the affront have offered what he thinks full satisfaction, I see no crime on either side." Now what is to prevent these two reasonable and innocent men from being, nevertheless, bent to destroy each of them the other? If one of them falls on the first or second fire, who can tell whether each of them had not formed a determination not to retire till he had murdered the other? The laws of fair Duelling equally provide for the gratification of the feeblest revenge as for a reluctant compliance with the customs of the world. Those who meet with the most deadly purposes may also meet in "self-defence," to "wipe away stains, and vindicate their fair character to the world," and claim the same exemption from "the barbarous and inapplicable severity of antiquated statutes." Lord Kames's Sketches was the "child of his grey hairs," (so much the less excuse for him,) but if they had been published while he "adorned the Court" of Justiciary, what reply would he have made to those who opposed his personal view of the law to that which he officially expounded from the bench?

The opinion of Sir Walter Scott on this subject is of some importance from the space he fills in the literary and political world. In the Minstrelsy (vol. ii. 301) he says: "This peculiarity of manners which would have surprised an Ancient Roman, is obviously deduced from the Gothic ordeal of trial by combat. Nevertheless, the custom of Duelling was considered at its first introduction, as an innovation upon the law of arms; and a book in two huge volumes, entitled, *Le vrai Theatre d'Hommeur et de la Chevalerie*, was written by a French Noble man to support the venerable institutions of chivalry against this unceremonious mode of combat. He has chosen for his frontispiece two figures; the first represents a conquering knight, trampling his enemy under foot in the lists, crowned by Justice with laurel, and preceded by Fame sounding his praises. The other figure presents a duellist, in his shirt, as was then the fashion, with his bloody rapier in his hand: the slaughtered combatant is seen in the distance, and the victor is pursued by the Furies. Nevertheless, the wise will make some scruple, whether, if the warriors were to change equipments, they might not also exchange their enable-

able, which seems so inconsistent with the spirit of the Gospel. At the same time it must be confessed, that from the prevalent notions of honour, a gentleman who receives a challenge is reduced to a dreadful alternative. A remarkable instance of this is furnished by a clause in the will of the late Colonel Thomas, of the Guards, written the night before he fell in a duel, September 3, 1783: "In the first place, I commit my soul to Almighty God in hopes of his mercy and pardon for the irreverent step I now (in compliance with the unwearied customs of this wicked world,) put myself under the necessity of taking."

matic attendants." The wise have some scruples whether the emblems of Justice and Fame should not be the attributes of duelling; and whether the Furies should not rather pursue one who combated under public authority, and a superstitious conviction of the propriety of his proceedings! Notwithstanding these few scruples it is evident that Sir Walter's opinion in favour of duelling greatly preponderates, otherwise he would have ascribed very different sentiments to the wise; but he is not always consistent. In a note to the fourth Canto of the Lay he describes a fair duel between Roaring Willie and Sweet Milk, in which the latter was killed. Having been the consequence of a sudden quarrel, the act was manslaughter according to law, but Sir Walter calls it murder. "A thorn tree marks the scene of the murder, which is still called Sweet Milk Thorn. Willie was taken and executed at Juddburgh, bequeathing his name to the beautiful Scotch air, called 'Rattling Roaring Willie.' On the other hand he mentions the atrocious assassination of the Regent Murray, by Hamilton of Bothwellhaugh in the following terms: "The Death of the Regent Murray, in 1567, excited the party of Mary to hope and to exertion. It seems that the design of Bothwellhaugh, who slew him, was well known upon the borders," &c.

I come now to the charge of the LORD JUSTICE CLERK (LORD BOYLE) which is not the least singular part of this case. He sets out with showing from the best authorities, Sir George Mackenzie, Baron Hume, and Mr. Burnett, that by the law of Scotland the act of killing in a duel constitutes the crime of murder. In such a case malice is a presumption of law, and not a fact to be separately considered by the jury; the homicide being committed neither by misadventure nor in self-defence, there is evinced so much disregard of human life and contempt of law as satisfies the legal definition of "malicious intention." To say that proof of having been actuated by a positive design of taking the life of Sir Alexander Boswell, was necessary to the conviction of Mr. Stewart, was to contradict the law which he had just declared, and to substitute another in its place: the former clearly establishing, the latter as plainly negating the guilt of the prisoner. In the following passage, the acquittal of Mr. Stewart is very distinctly recommended to the jury, "Then you have another circumstance in the prisoner's defence, and in cases of this description it must necessarily weigh greatly; for in a case of murder, which undoubtedly requires a conviction in the minds of those who try it, that there was a malicious intention of killing, the evidence of character is of great importance." "Now with such a body of evidence as this, IT IS IMPOSSIBLE TO REQUIRE HIGHER TESTIMONY OF THE IMPROBABILITY OF A CRIME, SUCH AS THAT HERE LIBELLED."

He next directs an opposite "wield of doctrine" upon the jury, asserting the insufficiency of all those arguments founded on duelling principles, which had been addressed to them by the prisoner's counsel, and attempts to rest his defence on the provocation given, independently of such principles, though the only provocation which the law recognizes as reducing the act of killing to manslaughter, is one which rouses instant resentment and an overpowering animal impulse. "Gentlemen, with respect to the defence set up this day, which if I understand it rightly, was not so much rested upon the provocation given to the prisoner, as upon the inevitable necessity that was imposed upon him of taking the course which he did,—it does not appear to me advisable, for the sake of the law, to divest the case altogether of the nature of the provocation given; neither do I conceive it the safest course for the panel; for it comes to be a very difficult and delicate consideration, indeed, whether, if you say that matter apart, and then defend this case of a determined duel, terminating fatally, by saying that it was undertaken for no other purpose than rescuing the prisoner from the situation in which he was placed; this, I say, appears to me to be a delicate and dangerous position to put the case upon; for I apprehend the rule of law is quite clear in cases of this description, that no false pretence or notion of honour can vindicate an act which terminates fatally in another fellow creature. But take that consideration; urged as it was with all the powerful eloquence of the learned counsel, and take along

with it the injuries received by the prisoner,—the uncommon provocations given,—the terms of accommodation offered and rejected—and combine them all together; the temperate conduct of the prisoner in the field; his grief for the fatal issue of the meeting,—then, in my humble apprehension, you will have a case before you which, in reference to the charge made, and the evidence led in support of it, is well deserving of your most calm, deliberate, and dispassionate consideration." Again,—“Considering, therefore, the circumstances in which he was placed—the strong necessity he felt himself under to vindicate himself—the deliberate way and manner in which he set about his vindication, not proceeding instantly himself, but sending to the Noble Lord whom he employed as his friend, who told him that he had no alternative but to act as he did—the total absence of all rancour—the great sorrow that he expressed on account of the fatal consequences of the meeting, and the uncommon body of testimony to the mildness of his character—taking all these things into your consideration, you will consider whether you can, with propriety, pronounce him Not Guilty.”

It is manifest that in this charge the learned Judge offers three distinct and incompatible views of the law to the consideration of the jury, of which the first only is correct, the second inapplicable, and the third erroneous; and that he repeatedly combines them all together. It does not exactly appear what effect he intended, that the evidence of provocation should have on the verdict of the jury, but as he neither uses the word “manslaughter,” nor alludes to their power of taking that middle course, we must conclude that he could only mean to suggest a verdict of Not Guilty, implying that a certain measure of provocation addressing itself to false notions of honour, could justify “a determined duel terminating fatally!” If Sir Alexander Boswell had been indicted for the murder of Mr. Stewart, though his case would have been divested of all the extenuating circumstances which attended Mr. Stewart’s, and would have appeared one of the most odious and flagitious that ever existed, yet even his case might have been brought within the accommodating principles of law and morals promulgated on this trial. The choice is therefore more forcibly than ever imposed on the Legislature; whether it will give an express sanction to duelling, or enact a specific law, adapted to the circumstances of the evil, and such as may in all cases, whether fatal or not, be inflexibly executed.

South of India, January 1823.

EUCRATES.

Shipping Arrivals.

BOMBAY.

Date	Names of Vessels	Flags	Commanders	From Whence	Left
Jan. 1	John Bannerman	British	H. Hunter	China	—
2	Sarah	British	J. Thacker	London	—

Shipping Departures.

CALCUTTA.

Date	Names of Vessels	Flags	Commanders	Destination
Jan. 21	George Crotenden	British	Moor Mahomed	Malabar
21	La Belle Alliance	British	W. Rolfe	London

BOMBAY.

Date	Names of Vessels	Flags	Commanders	Destination
Jan. 1	James Sibbald	British	J. K. Forbes	London

Stations of Vessels in the River.

CALCUTTA, JANUARY 21, 1823.

At Diamond Harbour.—H. C. S. COLPITREAN,—CARRAN, (Arab), passed down.

Kedgeree.—GENERAL LECOR, (P.), proceeded down,—CAMOREN, (P.), and LARKIN, outward-bound, remain.

New Anchorage.—H. C. Ships GENERAL HEWETT, THAMES, MAR. CHIONESI OF ELY, WINCHELSEA, and WARREN HASTINGS.

Saugor.—RODOLIA, (P.) APOLLO, LUG, (P.), MELICKEL BHUR, and COMMERCE, (brig), outward-bound, remain,—JOHN TAYLOR, SHERBURN, and ALEXANDER, gone to Sea.

Bombay News.

Bombay Gazette Extraordinary, Friday, January 3, 1823.—Yesterday Evening the Free Trader SARAH, Captain John Thacker, from London the 17th August anchored in the Harbour.—*Passengers:*—Mrs. Mitchell and Child; Mrs. Ormrod; Major Henry Smith, B. N. Cavalry; Captain Soppitt, B. N. Infantry; Revd. D. Mitchell, Missionary; Mr. Ormrod, Assistant Surgeon; Mr. Neighbouring, Cadet; Mr. Munro; Major Hall, from Malabar Coast.

By this opportunity we have received London and Country Papers, which extend to the 12th of August, from which we have selected some of the most interesting articles.

The Right Honourable George Canning as Governor General of India takes his departure from England on the 10th of October.

Bombay Courier, January 4, 1823.—The Honorable the Governor is expected to return to the presidency by the end of this month.

The next ships for England will be the UPTON CASTLE and the BARKWORTH. They are to sail, we hear, on the 10th; the WATERLOO is to follow on the 25th instant; and the PRINCE on the 1st Feb. The SARAH also is to be dispatched home again with all possible expedition.

The long expected free trader SARAH, Captain Thacker, arrived here on Thursday afternoon. She left the Downs the 14th, and the Channel the 10th August.

The MILFORD for this port was to sail from England on the 25th August, and her arrival may therefore be daily looked for. The Recorder of Bombay, Sir E. West, we hear, has taken his passage on board of her.

The TRIUMPH, Captain Crossley, to sail 10th September, and the MULGRAVE CASTLE, Capt. Ralph, to sail 14th Sept., are advertised for this port in the London papers.

The first Sessions, &c. for this year commences on Tuesday next. Besides a few ordinary cases of burglary and larceny, we are sorry to find there are two or three for homicides.

The races begin on Tuesday, and great sport, we hear, is expected.

Passengers.

Passengers per BANNERMAN, from China to Bombay.—Lieutenant J. Rankin, 3d Battalion 12th Native Infantry; and Mr. Charles Daily, from Allepce.

Passengers per SARAH, from London to Bombay.—Major Henry Smith, Captain M. Soppitt, B. E., Reverend D. Mitchell, Missionary, Mrs. Mitchell, and two Children, Assistant Surgeon David Ormrod, and Lady, Mr. Urban Munro, in the Service of the Rajah of Travancore, Major J. Hall, of the Madras Establishment, taken up on the Coast from French Brig.

Passengers per JAMES SINHAL, from Bombay for London.—The Honorable Lady Colville, and two Children, Lady Bailor, and four Children, Mrs. Barnes, and three Children, Mrs. Fraser, Mrs. Athill, Misses Mure, Welland, Elizabeth, Caroline, and Emma Burford; Master William Stoke, Lieutenant Colonel Corsellis, Lieutenant Colonel Cox, Lieutenants Humphrey, Smith, and William, Captain Gordon.

Births.

On the 18th instant, Mrs. SEYMOUR, of a Daughter.

At Madras, on the 2d instant, the Lady of Captain J. R. ARDACH, 24th Regiment of Native Infantry, of a Son.

At Poonamallee, on the 1st instant, the Wife of Mr. EDWARD TENT, of a Daughter.

Deaths.

At Chinsurah, on the 9th ultimo, Master ALEXANDER KEITH, Son of the late Reverend JAMES KEITH, aged 12 months.

Died in the early part of last year, in Paris, H. VILLEBAUVE, Esq. formerly of Chandernagore, and latterly in charge of the Customs at Howrah.

At Bombay, on the 27th ultimo, JOHN ALLEN MACPHERSON, Esq. aged 43 years.

At Matoungah, on the 31st ultimo, the Reverend GEORGE MARTIN, A. M.

Erratum.

In the JOURNAL of Tuesday, in the letter signed “WILL SPREE,” page 286, column 1, line 25, for “Plato’s soliloquy,” read “Cato’s soliloquy, &c.”